SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED FOURTH GENERAL ASSEMBLY

87TH LEGISLATIVE DAY

THURSDAY, MARCH 26, 2026

12:38 O'CLOCK P.M.

NO. 87
[March 26, 2026]

SENATE
Daily Journal Index
87th Legislative Day

The Senate met pursuant to adjournment.
Senator Omar Aquino, Chicago, Illinois, presiding.
Prayer by Father George Pyle, St. Anthony Greek Orthodox Church, Springfield, Illinois.
Senator Faraci led the Senate in the Pledge of Allegiance.

Senator Glowiak Hilton moved that reading and approval of the Journal of Wednesday, March 25, 2026, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Schaumburg Police Department.

Reporting Requirement of 50 ILCS 707/20 (Law Enforcement Camera Grant Act), submitted by the Schaumburg Police Department.

IDOR SSA Report 2025, submitted by the Department of Revenue.

Reporting Requirement of 50 ILCS 707/20 (Law Enforcement Camera Grant Act), submitted by the Countryside Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Countryside Police Department.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

COMMUNICATIONS

Adriane Johnson
SENATOR • 30th SENATE DISTRICT
WWW.SENATORADRIANEJOHNSON.COM

March 26, 2026

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 5-1(b), I hereby give my consent for Senator Bill Cunningham to advance the following bills to the order of 3rd Reading: SB2735, SB2837 and SB3020.

Sincerely,
s/Adriane Johnson
Adriane Johnson
State Senator - 30th District

Ram Villivalam
MAJORITY CAUCUS WHIP
SENATOR • 8th SENATE DISTRICT
WWW.SENATORRAM.COM

March 26, 2026

Mr. Tim Anderson
Secretary of the Senate
403-D Capitol Building
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 5-1(b), I hereby give my consent for Senator Laura Murphy to advance the following bills to the order of 3rd Reading: SB3517, SB3608 and SB4025.

Sincerely,
s/Ram Villivalam
Ram Villivalam
State Senator - 8th District

Robert Peters
MAJORITY CAUCUS WHIP
SENATOR • 13th SENATE DISTRICT
WWW.SENATORROBERTPETERS.COM

March, 26, 2026

Mr. Tim Anderson
Secretary of the Senate
403-D Capitol Building
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 5-1(b), I hereby give my consent for Senator Celina Villanueva to advance the following bills to the order of 3rd Reading: SB3935.

Sincerely,
s/Robert Peters
Robert Peters
Majority Caucus Whip
State Senator - 13th District

Mike Halpin
36th SENATE DISTRICT
WWW.SENATORHALPIN.COMM

March 26, 2026

Mr. Tim Anderson
Secretary of the Senate
403-D Capitol Building

Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 5-1(b), I hereby give my consent for Senator Patrick Joyce to advance the following bills to the order of 3rd Reading: SB2892 and SB2976.

Sincerely,
s/Michael W. Halpin
Michael W. Halpin
State Senator, 36th District

PRESENTATION OF CELEBRATION OF LIFE RESOLUTION

SENATE RESOLUTION NO. 693

Offered by Senator Rose and all Senators:
Mourns the passing of Milton Dow "Milt" Kelly of Fisher.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Murphy, Chair of the Committee on Executive Appointments, to which was referred **Appointment Messages Numbered 1040129, 1040165, 1040191, 1040192, 1040195, 1040196, 1040198, 1040213, 1040214, 1040215, 1040216, 1040224, 1040228, 1040234, 1040235, 1040236 and 1040237**, reported the same back with the recommendation that the Senate do consent.

Under the rules, the foregoing appointment messages are eligible for consideration by the Senate.

Senator Ellman, Chair of the Committee on Environment and Conservation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 3556

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Stadelman, Chair of the Committee on Energy and Public Utilities, to which was referred **Senate Bills Numbered 2785 and 3660**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1088, sponsored by Senator Edly-Allen, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2539, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3454, sponsored by Senator Glowiak Hilton, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Feigenholtz, **Senate Bill No. 2861** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 2892** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2892

AMENDMENT NO. 1 . Amend Senate Bill 2892 by replacing everything after the enacting clause with the following:

"Section 5. The Humane Care for Animals Act is amended by changing Section 3.04 as follows:

(510 ILCS 70/3.04)

Sec. 3.04. Arrests and seizures; penalties.

(a) Any law enforcement officer making an arrest for an offense involving one or more companion animals under Section 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, 7.1, or 7.15 of this Act may lawfully take possession of some or all of the companion animals in the possession of the person arrested. The officer, after taking possession of the companion animals, must file with the court before whom the complaint is made against any person so arrested an affidavit stating the name of the person charged in the complaint, a description of the condition of the companion animal or companion animals taken, and the time and place the companion animal or companion animals were taken, together with the name of the person from whom the companion animal or companion animals were taken and name of the person who claims to own the companion animal or companion animals if different from the person from whom the companion animal or companion animals were seized. He or she must at the same time deliver an inventory of the companion animal or companion animals taken to the court of competent jurisdiction. The officer must place the companion animal or companion animals in the custody of an animal control or animal shelter and the agency must retain custody of the companion animal or companion animals subject to an order of the court adjudicating the charges on the merits and before which the person complained against is required to appear for trial. If the animal control or animal shelter owns no facility capable of housing the companion animals, has no space to house the companion animals, or is otherwise unable to house the companion animals or the health or condition of the animals prevents their removal, the animals shall be impounded at the site of the violation pursuant to a court order authorizing the impoundment, provided that the person charged is an owner of the property. Employees or agents of the animal control or animal shelter or law enforcement shall have the authority to access the on-site impoundment property for the limited purpose of providing care and veterinary treatment for the impounded animals and ensuring their well-being and safety. Upon impoundment, a petition for posting of security may be filed under Section 3.05 of this Act. Disposition of the animals shall be controlled by Section 3.06 of this Act. The State's Attorney may, within 30 ~~14~~ days after the seizure, file a "petition for forfeiture prior to trial" before the court having criminal jurisdiction over the alleged charges, asking for permanent forfeiture of the companion animals seized. The petition shall be filed with the court, with copies served on the impounding agency, the owner, and anyone claiming an interest in the animals. In a "petition for forfeiture prior to trial", the burden is on the prosecution to prove by a preponderance of the evidence that the person arrested violated Section 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012. Upon receipt of a petition under this subsection, the court shall set a hearing on the petition. The hearing shall be conducted within 14 days after the filing of the petition, or as soon thereafter as practicable, but not more than 45 days after the filing of the petition.

(b) An owner whose companion animal or companion animals are removed by a law enforcement officer under this Section must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be delivered in person, posted at the place of seizure, or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from whom the companion animal or companion animals were seized, delivered by registered mail to his or her last known address.

(c) In addition to any other penalty provided by law, upon conviction of or being placed on supervision for violating Sections 3, 3.01, 3.02, 3.03, 3.03-1, 4.01, 4.03, 4.04, 6, 7.1, or 7.15 of this Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012, the court may order the person convicted or placed on supervision to forfeit to an animal control or animal shelter the animal or animals that are the basis of the conviction or order for supervision. Upon an order of forfeiture, the person convicted or placed on supervision is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction or order for supervision, if not already. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the person convicted or placed on supervision, or anyone residing in his or her household be permitted to adopt or otherwise possess the forfeited animal or animals. The court, additionally, may order that the person convicted or placed on supervision, and persons dwelling in the same household as the person convicted or placed on supervision who conspired, aided, or abetted in the unlawful act that was the basis of the conviction or order for supervision, or who knew or should have known of the unlawful act, may not own, possess, harbor, or have custody or control of any other animals for a period of time that the court deems reasonable, up to and including permanent relinquishment.

(d) In addition to any other penalty, the court may order that a person and persons dwelling in the same household may not own, harbor, or have custody or control of any other animal if the person has been convicted of 2 or more of the following offenses:

(1) a violation of Section 3.02 of this Act;

(2) a violation of Section 4.01 of this Act; or

(3) a violation of Section 48-1 of the Criminal Code of 2012.

(e) A person who violates the prohibition against owning, possessing, harboring, having custody, or having control of animals is subject to immediate forfeiture of any animal illegally owned in violation of subsection (c). A person who owns, possesses, harbors, has custody, or has control of an animal in violation of an order issued under subsection (c) is also subject to the civil and criminal contempt power of the court and, if found guilty of criminal contempt, may be subject to imprisonment for not more than 90 days, a fine of not more than $2,500, or both.

(Source: P.A. 102-114, eff. 1-1-22; 103-490, eff. 8-4-23.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Joyce, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 2976** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, **Senate Bill No. 3019** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 3138** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Behavioral and Mental Health.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 3322** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Murphy, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 3517** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Insurance, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3517

AMENDMENT NO. 1 . Amend Senate Bill 3517 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 356z.3a as follows:
(215 ILCS 5/356z.3a)
Sec. 356z.3a. Billing; emergency services; nonparticipating providers.
(a) As used in this Section:
"Ancillary services" means:

(1) items and services related to emergency medicine, anesthesiology, pathology, radiology, and neonatology that are provided by any health care provider;

(2) items and services provided by assistant surgeons, hospitalists, and intensivists;

(3) diagnostic services, including radiology and laboratory services, except for advanced diagnostic laboratory tests identified on the most current list published by the United States Secretary of Health and Human Services under 42 U.S.C. 300gg-132(b)(3);

(4) items and services provided by other specialty practitioners as the United States Secretary of Health and Human Services specifies through rulemaking under 42 U.S.C. 300gg-132(b)(3);

(5) items and services provided by a nonparticipating provider if there is no participating provider who can furnish the item or service at the facility; and

(6) items and services provided by a nonparticipating provider if there is no participating provider who will furnish the item or service because a participating provider has asserted the participating provider's rights under the Health Care Right of Conscience Act.

"Average gross charge rate" means, with respect to nonparticipating ground ambulance service providers, the average of the provider's gross charge rates in place for each individual charge described in subsection (b-15) of this Section for dates of service that fall within the 12-month period ending on June 30 immediately preceding the date on which the reporting of average gross charge rates is required.

"Cost sharing" means the amount an insured, beneficiary, or enrollee is responsible for paying for a covered item or service under the terms of the policy or certificate. "Cost sharing" includes copayments, coinsurance, and amounts paid toward deductibles, but does not include amounts paid towards premiums, balance billing by out-of-network providers, or the cost of items or services that are not covered under the policy or certificate.

"Emergency department of a hospital" means any hospital department that provides emergency services, including a hospital outpatient department.

"Emergency medical condition" has the meaning ascribed to that term in Section 10 of the Managed Care Reform and Patient Rights Act.

"Emergency medical screening examination" has the meaning ascribed to that term in Section 10 of the Managed Care Reform and Patient Rights Act.

"Emergency services" means, with respect to an emergency medical condition:

(1) in general, an emergency medical screening examination, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition, and such further medical examination and treatment as would be required to stabilize the patient regardless of the department of the hospital or other facility in which such further examination or treatment is furnished; or

(2) additional items and services for which benefits are provided or covered under the coverage and that are furnished by a nonparticipating provider or nonparticipating emergency facility regardless of the department of the hospital or other facility in which such items are furnished after the insured, beneficiary, or enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit in which the services described in paragraph (1) are furnished. Services after stabilization cease to be emergency services only when all the conditions of 42 U.S.C. 300gg-111(a)(3)(C)(ii)(II) and regulations thereunder are met.

"Emergency ground ambulance service" means ground ambulance service provided by ground ambulance service providers, regardless of whether the patient was transported, if the service was provided pursuant to a request to 9-1-1 or an equivalent telephone number, texting system, or other method of summoning emergency service or if the service provided was provided when a patient's condition, at the time of service, was considered to be an emergency medical condition as determined by a physician licensed under the Medical Practice Act of 1987.

"Evaluation" means, with respect to emergency ground ambulance service, the provision of a medical screening examination to determine whether an emergency medical condition exists.

"Freestanding Emergency Center" means a facility licensed under Section 32.5 of the Emergency Medical Services (EMS) Systems Act.

"Ground ambulance service" means both medical transportation service that is described as ground ambulance service by the Centers for Medicare and Medicaid Services and medical nontransportation service, such as evaluation without transport, treatment without transport, or paramedic intercept, and that is, in either case, provided in a vehicle that is licensed as an ambulance under the Emergency Medical Services (EMS) Systems Act or by EMS Personnel assigned to a vehicle that is licensed ~~as an ambulance~~ under the Emergency Medical Services (EMS) Systems Act. "Ground ambulance service" may include any combination of the following: emergency ground ambulance service in a ground ambulance, urgent ground ambulance service, evaluation without treatment, treatment without transport, and paramedic intercept.

"Ground ambulance service provider" means a vehicle service provider under the Emergency Medical Services (EMS) Systems Act that operates licensed ground ambulances for the purpose of providing emergency ground ambulance services, urgent ground ambulances services, or both. "Ground ambulance service provider" includes both ambulance providers and ambulance suppliers as described by the Centers for Medicare and Medicaid Services.

"Health care facility" means, in the context of non-emergency services, any of the following:

(1) a hospital as defined in 42 U.S.C. 1395x(e);

(2) a hospital outpatient department;

(3) a critical access hospital certified under 42 U.S.C. 1395i-4(e);

(4) an ambulatory surgical treatment center as defined in the Ambulatory Surgical Treatment Center Act; or

(5) any recipient of a license under the Hospital Licensing Act that is not otherwise described in this definition.

"Health care provider" means a provider as defined in subsection (d) of Section 370g. "Health care provider" does not include a provider of air ambulance or ground ambulance services.

"Health care services" has the meaning ascribed to that term in subsection (a) of Section 370g.

"Health insurance issuer" has the meaning ascribed to that term in Section 5 of the Illinois Health Insurance Portability and Accountability Act.

"Nonparticipating emergency facility" means, with respect to the furnishing of an item or service under a policy of group or individual health insurance coverage, any of the following facilities that does not have a contractual relationship directly or indirectly with a health insurance issuer in relation to the coverage:

(1) an emergency department of a hospital;

(2) a Freestanding Emergency Center;

(3) an ambulatory surgical treatment center as defined in the Ambulatory Surgical Treatment Center Act; or

(4) with respect to emergency services described in paragraph (2) of the definition of "emergency services", a hospital.

"Nonparticipating ground ambulance service provider" means, with respect to the furnishing of an item or services under a policy of group or individual health insurance coverage, any ground ambulance service provider that does not have a contractual relationship directly or indirectly with a health insurance issuer in relation to the coverage.

"Nonparticipating provider" means, with respect to the furnishing of an item or service under a policy of group or individual health insurance coverage, any health care provider who does not have a contractual relationship directly or indirectly with a health insurance issuer in relation to the coverage.

"Paramedic intercept" means a service in which a vehicle licensed under the Emergency Medical Services (EMS) Systems Act ~~ground ambulance~~ staffed by licensed advanced life support EMS Personnel ~~paramedics~~ rendezvouses with a ground ambulance staffed with basic life support or intermediate life support EMS Personnel ~~nonparamedics~~ to provide advanced life support care. As used in this definition, "advanced life support care" means life support care that is warranted when a patient's condition and need for treatment exceed the basic life support or intermediate life support level of care.

"Participating emergency facility" means any of the following facilities that has a contractual relationship directly or indirectly with a health insurance issuer offering group or individual health insurance coverage setting forth the terms and conditions on which a relevant health care service is provided to an insured, beneficiary, or enrollee under the coverage:

(1) an emergency department of a hospital;

(2) a Freestanding Emergency Center;

(3) an ambulatory surgical treatment center as defined in the Ambulatory Surgical Treatment Center Act; or

(4) with respect to emergency services described in paragraph (2) of the definition of "emergency services", a hospital.

For purposes of this definition, a single case agreement between an emergency facility and an issuer that is used to address unique situations in which an insured, beneficiary, or enrollee requires services that typically occur out-of-network constitutes a contractual relationship and is limited to the parties to the agreement.

"Participating ground ambulance service provider" means any ground ambulance service provider that has a contractual relationship directly or indirectly with a health insurance issuer offering group or individual health insurance coverage setting forth the terms and conditions on which a relevant health care service is provided to an insured, beneficiary, or enrollee under the coverage. As used in this definition, a single case agreement between a ground ambulance service provider and a health insurance issuer that is used to address unique situations in which an insured, beneficiary, or enrollee requires services that typically occur out-of-network constitutes a contractual relationship and is limited to the parties of the agreement.

"Participating health care facility" means any health care facility that has a contractual relationship directly or indirectly with a health insurance issuer offering group or individual health insurance coverage setting forth the terms and conditions on which a relevant health care service is provided to an insured, beneficiary, or enrollee under the coverage. A single case agreement between an emergency facility and an issuer that is used to address unique situations in which an insured, beneficiary, or enrollee requires services that typically occur out-of-network constitutes a contractual relationship for purposes of this definition and is limited to the parties to the agreement.

"Participating provider" means any health care provider that has a contractual relationship directly or indirectly with a health insurance issuer offering group or individual health insurance coverage setting forth the terms and conditions on which a relevant health care service is provided to an insured, beneficiary, or enrollee under the coverage.

"Qualifying payment amount" has the meaning given to that term in 42 U.S.C. 300gg-111(a)(3)(E) and the regulations promulgated thereunder.

"Recognized amount" means, except as otherwise provided in this Section, the lesser of the amount initially billed by the provider or the qualifying payment amount.

"Stabilize" means "stabilization" as defined in Section 10 of the Managed Care Reform and Patient Rights Act.

"Treating provider" means a health care provider who has evaluated the individual.

"Treatment" means, with respect to the provision of emergency ground ambulance service, the provision of an evaluation and either (i) a therapy or therapeutic agent used to treat an emergency medical condition or (ii) a procedure used to treat an emergency medical condition.

"Urgent ground ambulance service" means ground ambulance service that is deemed medically necessary by a health care professional and is required within 12 hours after the certification of the need for the service.

"Visit" means, with respect to health care services furnished to an individual at a health care facility, health care services furnished by a provider at the facility, as well as equipment, devices, telehealth services, imaging services, laboratory services, and preoperative and postoperative services regardless of whether the provider furnishing such services is at the facility.

(b) Emergency services. When a beneficiary, insured, or enrollee receives emergency services from a nonparticipating provider or a nonparticipating emergency facility, the health insurance issuer shall ensure that the beneficiary, insured, or enrollee shall incur no greater out-of-pocket costs than the beneficiary, insured, or enrollee would have incurred with a participating provider or a participating emergency facility. Any cost-sharing requirements shall be applied as though the emergency services had been received from a participating provider or a participating facility. Cost sharing shall be calculated based on the recognized amount for the emergency services. If the cost sharing for the same item or service furnished by a participating provider would have been a flat-dollar copayment, that amount shall be the cost-sharing amount unless the provider has billed a lesser total amount. In no event shall the beneficiary, insured, enrollee, or any group policyholder or plan sponsor be liable to or billed by the health insurance issuer, the nonparticipating provider, or the nonparticipating emergency facility for any amount beyond the cost sharing calculated in accordance with this subsection with respect to the emergency services delivered.

Administrative requirements or limitations shall be no greater than those applicable to emergency services received from a participating provider or a participating emergency facility.

(b-5) Non-emergency services at participating health care facilities.

(1) When a beneficiary, insured, or enrollee utilizes a participating health care facility and, due to any reason, covered ancillary services are provided by a nonparticipating provider during or resulting from the visit, the health insurance issuer shall ensure that the beneficiary, insured, or enrollee shall incur no greater out-of-pocket costs than the beneficiary, insured, or enrollee would have incurred with a participating provider for the ancillary services. Any cost-sharing requirements shall be applied as though the ancillary services had been received from a participating provider. Cost sharing shall be calculated based on the recognized amount for the ancillary services. If the cost sharing for the same item or service furnished by a participating provider would have been a flat-dollar copayment, that amount shall be the cost-sharing amount unless the provider has billed a lesser total amount. In no event shall the beneficiary, insured, enrollee, or any group policyholder or plan sponsor be liable to or billed by the health insurance issuer, the nonparticipating provider, or the participating health care facility for any amount beyond the cost sharing calculated in accordance with this subsection with respect to the ancillary services delivered. In addition to ancillary services, the requirements of this paragraph shall also apply with respect to covered items or services furnished as a result of unforeseen, urgent medical needs that arise at the time an item or service is furnished, regardless of whether the nonparticipating provider satisfied the notice and consent criteria under paragraph (2) of this subsection.

(2) When a beneficiary, insured, or enrollee utilizes a participating health care facility and receives non-emergency covered health care services other than those described in paragraph (1) of this subsection from a nonparticipating provider during or resulting from the visit, the health insurance issuer shall ensure that the beneficiary, insured, or enrollee incurs no greater out-of-pocket costs than the beneficiary, insured, or enrollee would have incurred with a participating provider unless the nonparticipating provider or the participating health care facility on behalf of the nonparticipating provider satisfies the notice and consent criteria provided in 42 U.S.C. 300gg-132 and regulations promulgated thereunder. If the notice and consent criteria are not satisfied, then:

(A) any cost-sharing requirements shall be applied as though the health care services had been received from a participating provider;

(B) cost sharing shall be calculated based on the recognized amount for the health care services; and

(C) in no event shall the beneficiary, insured, enrollee, or any group policyholder or plan sponsor be liable to or billed by the health insurance issuer, the nonparticipating provider, or the participating health care facility for any amount beyond the cost sharing calculated in accordance with this subsection with respect to the health care services delivered.

(b-10) Coverage for ground ambulance services provided by nonparticipating ground ambulance service providers.

(1) Any group or individual policy of accident and health insurance amended, delivered, issued, or renewed on or after January 1, 2027 shall provide coverage for both emergency ground ambulance service and urgent ground ambulance service.

(2) Beginning on January 1, 2027, when a beneficiary, insured, or enrollee receives emergency ground ambulance services or urgent ambulance services from a nonparticipating ground ambulance service provider, the health insurance issuer shall ensure that the beneficiary, insured, or enrollee shall incur no greater out-of-pocket costs than the beneficiary, insured, or enrollee would have incurred with a participating ground ambulance provider. Any cost-sharing requirements shall be applied as though the emergency ground ambulance services or urgent ground ambulance services had been received from a participating ground ambulance service provider. Except as otherwise provided in State or federal law, cost sharing shall be calculated based on the lesser of the policy's copayment or coinsurance for an emergency room visit or 10% of the recognized amount. For purposes of this subsection, the recognized amount shall be calculated as provided for in paragraph (3) of this subsection. Except as otherwise provided for in State or federal law, if the cost sharing for the same item or service furnished by a participating ground ambulance provider would have been a flat-dollar copayment, that amount shall be the cost-sharing amount unless the nonparticipating ground ambulance provider has billed a lesser total amount.

(3) Upon reasonable demand by a nonparticipating ground ambulance service provider and after subtracting the beneficiary's, insured's, or enrollee's cost sharing amount, a health insurance issuer shall pay the nonparticipating ground ambulance service provider as follows:

(A) for nonparticipating ground ambulance service providers subject to a unit of local government ~~that has jurisdiction over where the service was provided~~, a rate that is equal to the rate established or approved by the governing body of the local government providing the ground ambulance service ~~having jurisdiction for that area or subarea~~; or

(B) for nonparticipating ground ambulance service providers that are not subject to the jurisdiction of a unit of local government, a rate that is equal to the lesser of (i) the negotiated rate between the nonparticipating ground ambulance service provider and the health insurance issuer; (ii) 85% of the nonparticipating ground ambulance service provider's billed charges; or (iii) the average gross charge rate in effect for the date of service in question for a base charge and, if applicable, a loaded mileage charge, the nonparticipating ground ambulance service provider has filed with the Department of Public Health in accordance with subsection (b-15).

By accepting the payment from the health insurance issuer, the nonparticipating ground ambulance service provider shall not seek any payment from the beneficiary, insured, or enrollee for any amount that exceeds the deductible, coinsurance, or copay for services provided to the beneficiary, insured, or enrollee.

(b-15) Beginning on October 1, 2026, and each October 1 thereafter, each nonparticipating ground ambulance service provider shall file annually with the Department of Public Health, in the form and manner prescribed by the Department of Public Health, its average gross charge rates and any other information required by the Department of Public Health, by rule, for each of the following ground ambulance charge descriptions, as applicable: (1) basic life support, urgent base; (2) basic life support, emergency base; (3) advanced life support, urgent, level 1 base; (4) advanced life support, emergency, level 1 base; (5) advanced life support, emergency, level 2 base; (6) specialty care transport base; (7) emergency response, evaluation without transport base; (8) emergency response, treatment without transport base; (9) emergency response, paramedic intercept base; and (10) loaded mileage, per loaded mile charge for each of the applicable base charge descriptions services. The Department of Public Health shall publish the submitted rate information by January 1, 2027 and every January 1 thereafter. The Department of Public Health may request information from ground ambulance service providers and health insurance issuers regarding factors contributing to the network status of the ground ambulance service providers. The Department of Public Health may, upon the submission of rate information, assess a fee to each ground ambulance service provider that shall not exceed the administrative costs to complete the Department of Public Health's obligations in this subsection. The Department of Public Health may also request information from nationally recognized organizations that provide data on health care costs. The Department of Insurance shall direct the health insurance issuer to the location in which the information reported to the Department of Public Health is stored.

(c) Notwithstanding any other provision of this Code, except when the notice and consent criteria are satisfied for the situation in paragraph (2) of subsection (b-5), any benefits a beneficiary, insured, or enrollee receives for services under the situations in subsection (b), (b-5), (b-10), or (b-15) are assigned to the nonparticipating providers, nonparticipating ground ambulance service provider, or the facility acting on their behalf. Upon receipt of the provider's bill or facility's bill, the health insurance issuer shall provide the nonparticipating provider, nonparticipating ground ambulance service provider, or the facility with a written explanation of benefits that specifies the proposed reimbursement and the applicable deductible, copayment, or coinsurance amounts owed by the insured, beneficiary, or enrollee. The health insurance issuer shall pay any reimbursement subject to this Section directly to the nonparticipating provider, nonparticipating ground ambulance service provider, or the facility.

(d) For bills assigned under subsection (c), the nonparticipating provider or the facility may bill the health insurance issuer for the services rendered, and the health insurance issuer may pay the billed amount or attempt to negotiate reimbursement with the nonparticipating provider or the facility. Within 30 calendar days after the provider or facility transmits the bill to the health insurance issuer, the issuer shall send an initial payment or notice of denial of payment with the written explanation of benefits to the provider or facility. If attempts to negotiate reimbursement for services provided by a nonparticipating provider do not result in a resolution of the payment dispute within 30 days after receipt of written explanation of benefits by the health insurance issuer, then the health insurance issuer or nonparticipating provider or the facility may initiate binding arbitration to determine payment for services provided on a per-bill or batched-bill

basis, in accordance with Section 300gg-111 of the Public Health Service Act and the regulations promulgated thereunder. The party requesting arbitration shall notify the other party arbitration has been initiated and state its final offer before arbitration. In response to this notice, the nonrequesting party shall inform the requesting party of its final offer before the arbitration occurs. Arbitration shall be initiated by filing a request with the Department of Insurance.

(e) The Department of Insurance shall publish a list of approved arbitrators or entities that shall provide binding arbitration. These arbitrators shall be American Arbitration Association or American Health Lawyers Association trained arbitrators. Both parties must agree on an arbitrator from the Department of Insurance's or its approved entity's list of arbitrators. If no agreement can be reached, then a list of 5 arbitrators shall be provided by the Department of Insurance or the approved entity. From the list of 5 arbitrators, the health insurance issuer can veto 2 arbitrators and the provider or facility can veto 2 arbitrators. The remaining arbitrator shall be the chosen arbitrator. This arbitration shall consist of a review of the written submissions by both parties. The arbitrator shall not establish a rebuttable presumption that the qualifying payment amount should be the total amount owed to the provider or facility by the combination of the issuer and the insured, beneficiary, or enrollee. Binding arbitration shall provide for a written decision within 45 days after the request is filed with the Department of Insurance. Both parties shall be bound by the arbitrator's decision. The arbitrator's expenses and fees, together with other expenses, not including attorney's fees, incurred in the conduct of the arbitration, shall be paid as provided in the decision.

(f) (Blank).

(g) Section 368a of this Code ~~Act~~ shall not apply during the pendency of a decision under subsection (d). Upon the issuance of the arbitrator's decision, Section 368a applies with respect to the amount, if any, by which the arbitrator's determination exceeds the issuer's initial payment under subsection (c), or the entire amount of the arbitrator's determination if initial payment was denied. Any interest required to be paid to a provider under Section 368a shall not accrue until after 30 days of an arbitrator's decision as provided in subsection (d), but in no circumstances longer than 150 days from the date the nonparticipating facility-based provider billed for services rendered.

(h) Nothing in this Section shall be interpreted to change the prudent layperson provisions with respect to emergency services under the Managed Care Reform and Patient Rights Act.

(i) Nothing in this Section shall preclude a health care provider from billing a beneficiary, insured, or enrollee for reasonable administrative fees, such as service fees for checks returned for nonsufficient funds and missed appointments.

(j) Nothing in this Section shall preclude a beneficiary, insured, or enrollee from assigning benefits to a nonparticipating provider when the notice and consent criteria are satisfied under paragraph (2) of subsection (b-5) or in any other situation not described in subsection (b) or (b-5).

(k) Except when the notice and consent criteria are satisfied under paragraph (2) of subsection (b-5), if an individual receives health care services under the situations described in subsection (b) or (b-5), no referral requirement or any other provision contained in the policy or certificate of coverage shall deny coverage, reduce benefits, or otherwise defeat the requirements of this Section for services that would have been covered with a participating provider. However, this subsection shall not be construed to preclude a provider contract with a health insurance issuer, or with an administrator or similar entity acting on the issuer's behalf, from imposing requirements on the participating provider, participating emergency facility, or participating health care facility relating to the referral of covered individuals to nonparticipating providers.

(l) Except if the notice and consent criteria are satisfied under paragraph (2) of subsection (b-5), cost-sharing amounts calculated in conformity with this Section shall count toward any deductible or out-of-pocket maximum applicable to in-network coverage.

(m) The Department has the authority to enforce the requirements of this Section in the situations described in subsections (b) and (b-5), and in any other situation for which 42 U.S.C. Chapter 6A, Subchapter XXV, Parts D or E and regulations promulgated thereunder would prohibit an individual from being billed or liable for emergency services furnished by a nonparticipating provider or nonparticipating emergency facility or for non-emergency health care services furnished by a nonparticipating provider at a participating health care facility.

(n) This Section does not apply with respect to air ambulance services. This Section does not apply to any policy of excepted benefits or to short-term, limited-duration health insurance coverage.

(o) A home rule unit may not regulate payments for ground ambulance service in a manner inconsistent with this Section. This subsection is a limitation under subsection (i) of Section 6 of Article VII

of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(p) ~~(o)~~ Notwithstanding any other provision of law to the contrary, if a beneficiary, insured, or enrollee receives neonatal intensive care from a nonparticipating provider or nonparticipating facility, a health insurance issuer shall ensure that the beneficiary, insured, or enrollee shall incur no greater out-of-pocket costs than he or she would have incurred with a participating provider or a participating facility, as long as the nonparticipating provider or nonparticipating facility bills the neonatal intensive care as emergency services.

(Source: P.A. 103-440, eff. 1-1-24; 104-60, eff. 1-1-26; 104-248, eff. 8-15-25; revised 11-21-25.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 4-15 as follows:

(215 ILCS 125/4-15) (from Ch. 111 1/2, par. 1409.8)

Sec. 4-15. (a) No contract or evidence of coverage for basic health care services delivered, issued for delivery, renewed, or amended by a Health Maintenance Organization shall exclude coverage for ground ambulance service as defined in Section 356z.3a of the Illinois Insurance Code ~~emergency transportation by ambulance. For the purposes of this Section, the term "emergency" means a need for immediate medical attention resulting from a life threatening condition or situation or a need for immediate medical attention as otherwise reasonably determined by a physician, public safety official or other emergency medical personnel~~.

(b) Payments to nonparticipating ground ambulance service providers shall be as described in subsection (b-10) of Section 356z.3a of the Illinois Insurance Code ~~Upon reasonable demand by a provider of emergency transportation by ambulance, a Health Maintenance Organization shall promptly pay to the provider, subject to coverage limitations stated in the contract or evidence of coverage, the charges for emergency transportation by ambulance provided to an enrollee in a health care plan arranged for by the Health Maintenance Organization. By accepting any such payment from the Health Maintenance Organization, the provider of emergency transportation by ambulance agrees not to seek any payment from the enrollee for services provided to the enrollee~~.

(Source: P.A. 86-833; 86-1028.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Ellman, **Senate Bill No. 3556** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Environment and Conservation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3556

AMENDMENT NO. 1 . Amend Senate Bill 3556 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 7.2, 10, 13, 13.3, 17.5, 22.4, and 22.40 as follows:

(415 ILCS 5/7.2) (from Ch. 111 1/2, par. 1007.2)

Sec. 7.2. Identical in substance rulemakings.

(a) In the context of a mandate that the Board adopt regulations to secure federal authorization for a program, regulations that are "identical in substance" means State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois, except as provided below. After consideration of comments from the USEPA, the Agency, the Attorney General and the public, the Board shall adopt the verbatim text of such USEPA regulations as are necessary and appropriate for authorization of the program. In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

(1) The Board shall not adopt the equivalent of USEPA rules that are not applicable to persons or facilities in Illinois, that govern the program authorization process, that are appropriate only in USEPA-administered programs, or that govern actions to be taken by USEPA, other federal agencies or other states.

(2) The Board shall not adopt rules prescribing things which are outside the Board's normal functions, such as rules specifying staffing or funding requirements for programs.

(3) If a USEPA rule prescribes the contents of a State regulation without setting forth the regulation itself, which would be an integral part of any regulation required to be adopted as an "identical in substance" regulation as defined in this Section, the Board shall adopt a regulation as prescribed, to the extent possible consistent with other relevant USEPA regulations and existing State law. The Board may not use this subsection to adopt any regulation which is a required rule as that term is defined by Section 28.2 of this Act. To the extent practicable, the Board in its proposed and adopted opinion shall include its rationale for adopting such regulation.

(4) Pursuant to subsection (a) of Section 5-75 of the Illinois Administrative Procedure Act, the Board may incorporate USEPA rules by reference where it is possible to do so without causing confusion to the affected public.

(5) If USEPA intends to retain decision-making authority for a portion of the program, the Board regulation shall so specify. In addition, the Board regulation shall specify whether a decision is to be made by the Board, the Agency or some other State agency, based upon the general division of functions within this Act and other Illinois statutes.

(6) Wherever appropriate, the Board regulations shall reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act.

(7) The Board may correct apparent typographical and grammatical errors in USEPA rules.

(8) The Board shall not adopt USEPA rules imposing standards that are less stringent than those in existing Board regulations. The Board may adopt such rules pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act.

(b) In adopting regulations that are "identical in substance" with specified federal regulations under subsection (c) of Section 13, Section 13.3, Section 17.5, subsection (a) or (d) of Section 22.4, subsection (a) of Section 22.7, or subsection (a) of Section 22.40, subsection (H) of Section 10, or specified federal determinations under subsection (e) of Section 9.1, the Board shall complete its rulemaking proceedings within one year after the adoption of the corresponding federal rule. If the Board consolidates multiple federal rulemakings into a single Board rulemaking, the one-year period shall be calculated from the adoption date of the federal rule first adopted among those consolidated. After adopting an "identical in substance" rule, if the Board determines that an amendment is needed to that rule, the Board shall initiate a rulemaking proceeding to propose such amendment. The amendment shall be adopted within one year of the initiation of the Board's determination.

Additionally, if the Board, after adopting an "identical in substance" rule, determines that a technical correction to that rule is needed, the Board may initiate an application for certification of correction under Section 5-85 of the Illinois Administrative Procedure Act.

The one-year period may be extended by the Board for an additional period of time if necessary to complete the rulemaking proceeding. In order to extend the one-year period, the Board must make a finding, based upon the record in the rulemaking proceeding, that the one-year period is insufficient for completion of the rulemaking, and such finding shall specifically state the reasons for the extension. Except as otherwise provided above, the Board must make the finding that an extension of time is necessary prior to the expiration of the initial one-year period, and must also publish a notice of extension in the Illinois Register as expeditiously as practicable following its decision, stating the specific reasons for the Board's decision to extend. The notice of extension need not appear in the Illinois Register prior to the expiration of the initial one year period and shall specify a date certain by which the Board anticipates completion of the rulemaking, except that if a date certain cannot be specified because of a need to delay adoption pending occurrence of an event beyond the Board's control, the notice shall specify the event, explain its circumstances, and contain an estimate of the amount of time needed to complete the rulemaking after the occurrence of the specified event.

(Source: P.A. 97-945, eff. 8-10-12.)

(415 ILCS 5/10) (from Ch. 111 1/2, par. 1010)

Sec. 10. Regulations.

(A) The Board, pursuant to procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe:

(a) (Blank);

(b) Emission standards specifying the maximum amounts or concentrations of various contaminants that may be discharged into the atmosphere;

(c) Standards for the issuance of permits for construction, installation, or operation of any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution;

(d) Standards and conditions regarding the sale, offer, or use of any fuel, vehicle, or other article determined by the Board to constitute an air-pollution hazard;

(e) Alert and abatement standards relative to air-pollution episodes or emergencies constituting an acute danger to health or to the environment;

(f) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to air pollution;

(g) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their sources, the collection of samples, and the collection, reporting, and retention of data resulting from such monitoring.

(B) The Board may adopt regulations and emission standards that are applicable or that may become applicable to stationary emission sources located in all areas of the State in accordance with any of the following:

(1) that are required by federal law;

(2) that are otherwise part of the State's attainment plan and are necessary to attain the national ambient air quality standards; ~~or~~

(3) that are necessary to comply with the requirements of the federal Clean Air Act; or ~~.~~

(4) that are necessary to comply with air quality standards adopted by the Board that are more stringent than federal standards.

(C) The Board may not adopt any regulation banning the burning of landscape waste throughout the State generally. The Board may, by regulation, restrict or prohibit the burning of landscape waste within any geographical area of the State if it determines based on medical and biological evidence generally accepted by the scientific community that such burning will produce in the atmosphere of that geographical area contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life or health.

(D) The Board shall adopt regulations requiring the owner or operator of a gasoline dispensing system that dispenses more than 10,000 gallons of gasoline per month to install and operate a system for the recovery of gasoline vapor emissions arising from the fueling of motor vehicles that meets the requirements of Section 182 of the federal Clean Air Act (42 U.S.C. 7511a). These regulations shall apply only in areas of the State that are classified as moderate, serious, severe, or extreme nonattainment areas for ozone pursuant to Section 181 of the federal Clean Air Act (42 U.S.C. 7511), but shall not apply in such areas classified as moderate nonattainment areas for ozone if the Administrator of the U.S. Environmental Protection Agency promulgates standards for vehicle-based (onboard) systems for the control of vehicle refueling emissions pursuant to Section 202(a)(6) of the federal Clean Air Act (42 U.S.C. 7521(a)(6)) by November 15, 1992.

(E) The Board shall not adopt or enforce any regulation requiring the use of a tarpaulin or other covering on a truck, trailer, or other vehicle that is stricter than the requirements of Section 15-109.1 of the Illinois Vehicle Code. To the extent that it is in conflict with this subsection, the Board's rule codified as 35 Ill. Adm. Code 212.315 is hereby superseded.

(F) Any person who, prior to June 8, 1988, has filed a timely Notice of Intent to Petition for an Adjusted RACT Emissions Limitation and who subsequently timely files a completed petition for an adjusted RACT emissions limitation pursuant to 35 Ill. Adm. Code Part 215, Subpart I, shall be subject to the procedures contained in Subpart I but shall be excluded by operation of law from 35 Ill. Adm. Code Part 215, Subparts PP, QQ, and RR, including the applicable definitions in 35 Ill. Adm. Code Part 211. Such persons shall instead be subject to a separate regulation which the Board is hereby authorized to adopt pursuant to the adjusted RACT emissions limitation procedure in 35 Ill. Adm. Code Part 215, Subpart I. In its final action on the petition, the Board shall create a separate rule which establishes Reasonably Available Control Technology (RACT) for such person. The purpose of this procedure is to create separate and independent regulations for purposes of SIP submittal, review, and approval by USEPA.

(G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code 218.720 through 218.730 and 219.720 through 219.730, are hereby repealed by operation of law and are rendered null and void and of no force and effect.

(H) In accordance with subsection (b) of Section 7.2, the Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere; those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act, except that the Board shall not adopt under this subsection (H) any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this subsection all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act, relating to procedures for rulemaking, shall not apply to identical in substance regulations adopted pursuant to this subsection. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State. Nothing in this subsection shall be construed to limit the right of any person to submit a proposal to the Board, or the authority of the Board to adopt, air quality standards more stringent than the standards promulgated by the Administrator, pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 103-154, eff. 6-30-23.)

(415 ILCS 5/13) (from Ch. 111 1/2, par. 1013)

Sec. 13. Regulations.

(a) The Board, pursuant to procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes and provisions of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe:

(1) Water quality standards specifying among other things, the maximum short-term and long-term concentrations of various contaminants in the waters, the minimum permissible concentrations of dissolved oxygen and other desirable matter in the waters, and the temperature of such waters;

(2) Effluent standards specifying the maximum amounts or concentrations, and the physical, chemical, thermal, biological and radioactive nature of contaminants that may be discharged into the waters of the State, as defined herein, including, but not limited to, waters to any sewage works, or into any well, or from any source within the State;

(3) Standards for the issuance of permits for construction, installation, or operation of any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution or designed to prevent water pollution or for the construction or installation of any sewer or sewage treatment facility or any new outlet for contaminants into the waters of this State;

(4) The circumstances under which the operators of sewage works are required to obtain and maintain certification by the Agency under Section 13.5 and the types of sewage works to which those requirements apply, which may, without limitation, include wastewater treatment works, pretreatment works, and sewers and collection systems;

(5) Standards for the filling or sealing of abandoned water wells and holes, and holes for disposal of drainage in order to protect ground water against contamination;

(6) Standards and conditions regarding the sale, offer, or use of any pesticide, detergent, or any other article determined by the Board to constitute a water pollution hazard, provided that any such regulations relating to pesticides shall be adopted only in accordance with the "Illinois Pesticide Act", approved August 14, 1979 as amended;

(7) Alert and abatement standards relative to water-pollution episodes or emergencies which constitute an acute danger to health or to the environment;

(8) Requirements and procedures for the inspection of any equipment, facility, or vessel that may cause or contribute to water pollution;

(9) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their sources, the collection of samples and the collection, reporting and retention of data resulting from such monitoring.

(b) Notwithstanding other provisions of this Act and for purposes of implementing an NPDES program, the Board shall adopt:

(1) Requirements, standards, and procedures which, together with other regulations adopted pursuant to this Section 13, are necessary or appropriate to enable the State of Illinois to implement

and participate in the National Pollutant Discharge Elimination System (NPDES) pursuant to and under the Federal Water Pollution Control Act, as now or hereafter amended. All regulations adopted by the Board governing the NPDES program shall be consistent with and at least as stringent as the applicable provisions of such federal Act and regulations pursuant thereto, and otherwise shall be consistent with all other provisions of this Act, and shall exclude from the requirement to obtain any operating permit otherwise required under this Title a facility for which an NPDES permit has been issued under Section 39(b); provided, however, that for purposes of this paragraph, a UIC permit, as required under Section 12(g) and 39(d) of this Act, is not an operating permit.

(2) Regulations for the exemption of any category or categories of persons or contaminant sources from the requirement to obtain any NPDES permit prescribed or from any standards or conditions governing such permit when the environment will be adequately protected without the requirement of such permit, and such exemption is either consistent with the Federal Water Pollution Control Act, as now or hereafter amended, or regulations pursuant thereto, or is necessary to avoid an arbitrary or unreasonable hardship to such category or categories of persons or sources.

(c) In accordance with Section 7.2, and notwithstanding any other provisions of this Act, for purposes of implementing a State UIC program, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 1421 of the Safe Drinking Water Act (P.L. 93-523), as amended, except that the Board shall not adopt under this subsection (c) any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this subsection. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to regulations adopted under this subsection.

(d) The Board may adopt regulations relating to a State UIC program that are not inconsistent with and are at least as stringent as the Safe Drinking Water Act (P.L. 93-523), as amended, or regulations adopted thereunder. Regulations adopted pursuant to this subsection shall be adopted in accordance with the provisions and requirements of Title VII of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 93-170, eff. 7-10-03.)

(415 ILCS 5/13.3) (from Ch. 111 1/2, par. 1013.3)

Sec. 13.3. In accordance with Section 7.2, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 307(b), (c), (d), 402(b)(8) and 402(b)(9) of the Federal Water Pollution Control Act, as amended, except that the Board shall not adopt under this Section any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this Section. Sections 5-35 and 5-75 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to regulations adopted under this Section. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State.

(Source: P.A. 88-45; 89-445, eff. 2-7-96.)

(415 ILCS 5/17.5) (from Ch. 111 1/2, par. 1017.5)

Sec. 17.5. In accordance with Section 7.2, the Board shall adopt regulations which are "identical in substance" to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (P.L. 93-523), as amended, except that the Board shall not adopt under this Section any standards less stringent than those existing in Board regulations. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this Section. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to regulations adopted under this Section. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months.

(Source: P.A. 88-45.)

(415 ILCS 5/22.4) (from Ch. 111 1/2, par. 1022.4)

Sec. 22.4. Hazardous waste; underground storage tanks; regulations.

(a) In accordance with Section 7.2, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 3001, 3002, 3003, 3004, and 3005, of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), except that the Board shall not adopt under this subsection (a) any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act shall not apply to rules adopted under this subsection. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to rules adopted under this subsection.

(b) The Board may adopt regulations relating to a State hazardous waste management program that are not inconsistent with and at least as stringent as the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), or regulations adopted thereunder. Regulations adopted pursuant to this subsection shall be adopted in accordance with the provisions and requirements of Title VII of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(c) Notwithstanding subsection (a) of this Section, the Board may adopt additional regulations identifying the characteristics of hazardous waste and additional regulations listing hazardous waste. In adopting such regulations, the Board shall take into account the toxicity, persistence, and degradability in nature, the potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics. The regulations may be revised from time to time as may be appropriate. Regulations adopted pursuant to this subsection shall be adopted in accordance with the provisions and requirements of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(d) (1) In accordance with Section 7.2, after the adoption of regulations by the United States Environmental Protection Agency to implement Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), or any amendments to such regulations, the Board shall adopt regulations relating to corrective action at underground storage tanks that are identical in substance to such federal regulations, except that the Board shall not adopt under this subsection (d) any standards less stringent than those existing in Board regulations.

(2) The rulemaking provisions of Title VII of this Act and of Section 5-35 of the Illinois Administrative Procedure Act shall not apply to regulations or amendments adopted pursuant to this subsection (d).

(3) For purposes of adopting regulations or amendments thereto under this subsection (d), corrective action shall not include requirements providing for design, construction, installation, general operation, release detection, release reporting, release determination investigation, release confirmation, out-of-service systems and their closure or financial responsibility.

(4) By January 1, 1992, the Board shall amend its rules pertaining to underground storage tanks adopted under paragraph (1) of this subsection to make those rules applicable to any heating oil underground storage tank.

(Source: P.A. 87-323; 87-1088; 88-45.)

(415 ILCS 5/22.40)

Sec. 22.40. Municipal solid waste landfill rules.

(a) In accordance with Sec. 7.2, the Board shall adopt rules that are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 4004 and 4010 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) insofar as those regulations relate to a municipal solid waste landfill unit program, except that the Board shall not under this subsection (a) adopt any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. Where the federal regulations authorize the State to adopt alternative standards, schedules, or procedures to the standards, schedules, or procedures contained in the federal regulations, the Board may adopt alternative standards, schedules, or procedures under subsection (b) or retain existing Board rules that establish alternative standards, schedules, or procedures that are not inconsistent with the federal regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months.

The provisions and requirements of Title VII of this Act shall not apply to rules adopted under this subsection (a). Section 5-35 of the Illinois Administrative Procedure Act relating to the procedures for rulemaking shall not apply to regulations adopted under this subsection (a).

(b) The Board may adopt regulations relating to a State municipal solid waste landfill program that are not inconsistent with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), or regulations adopted thereunder. Rules adopted under this subsection shall be adopted in accordance with the provisions and requirements of Title VII of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(c) (Blank.)

(Source: P.A. 92-574, eff. 6-26-02.)

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

Senator Ellman offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3556

AMENDMENT NO. 2 . Amend Senate Bill 3556, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 7.2, 10, 13, 13.3, 17.5, 22.4, and 22.40 as follows:

(415 ILCS 5/7.2) (from Ch. 111 1/2, par. 1007.2)

Sec. 7.2. Identical in substance rulemakings.

(a) In the context of a mandate that the Board adopt regulations to secure federal authorization for a program, regulations that are "identical in substance" means State regulations which require the same actions with respect to protection of the environment, by the same group of affected persons, as would federal regulations if USEPA administered the subject program in Illinois, except as provided in this Section. After consideration of comments from the USEPA, the Agency, the Attorney General and the public, the Board shall adopt the verbatim text of such USEPA regulations as are necessary and appropriate for authorization of the program. In adopting "identical in substance" regulations, the only changes that may be made by the Board to the federal regulations are those changes that are necessary for compliance with the Illinois Administrative Code, and technical changes that in no way change the scope or meaning of any portion of the regulations, except as follows:

(1) The Board shall not adopt the equivalent of USEPA rules that are not applicable to persons or facilities in Illinois, that govern the program authorization process, that are appropriate only in USEPA-administered programs, or that govern actions to be taken by USEPA, other federal agencies or other states.

(2) The Board shall not adopt rules prescribing things which are outside the Board's normal functions, such as rules specifying staffing or funding requirements for programs.

(3) If a USEPA rule prescribes the contents of a State regulation without setting forth the regulation itself, which would be an integral part of any regulation required to be adopted as an "identical in substance" regulation as defined in this Section, the Board shall adopt a regulation as prescribed, to the extent possible consistent with other relevant USEPA regulations and existing State law. The Board may not use this subsection to adopt any regulation which is a required rule as that term is defined by Section 28.2 of this Act. To the extent practicable, the Board in its proposed and adopted opinion shall include its rationale for adopting such regulation.

(4) Pursuant to subsection (a) of Section 5-75 of the Illinois Administrative Procedure Act, the Board may incorporate USEPA rules by reference where it is possible to do so without causing confusion to the affected public.

(5) If USEPA intends to retain decision-making authority for a portion of the program, the Board regulation shall so specify. In addition, the Board regulation shall specify whether a decision is to be made by the Board, the Agency or some other State agency, based upon the general division of functions within this Act and other Illinois statutes.

(6) Wherever appropriate, the Board regulations shall reflect any consistent, more stringent regulations adopted pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act.

(7) The Board may correct apparent typographical and grammatical errors in USEPA rules.

(8) The Board, in adopting "identical in substance" regulations, shall not adopt USEPA rules imposing standards that are less stringent than those in existing Board regulations. The Board may adopt such rules pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act. For purposes of adopting "identical in substance" regulations, a revision to a federal regulation shall be considered "less stringent" than an existing Board regulation only if the federal revision, when compared on a provision-by-provision basis to the specific Board regulatory requirement it would affect, directly and substantively reduces the level of environmental or public health protection required by the corresponding Board provision, as demonstrated by one or more of the following:

(A) the federal revision eliminates a numerical emission, discharge, or concentration limit, or increases it above the level established in the existing Board regulation;

(B) the federal revision eliminates or narrows the scope of a specific prohibition or restriction on an activity, substance, or process that is expressly set forth in the existing Board regulation; or

(C) the federal revision eliminates or weakens a specific, identified performance standard, design standard, or technology-based requirement that is set forth in the existing Board regulation.

(b) In adopting regulations that are "identical in substance" with specified federal regulations under subsection (c) of Section 13, Section 13.3, Section 17.5, subsection (a) or (d) of Section 22.4, subsection (a) of Section 22.7, or subsection (a) of Section 22.40, subsection (H) of Section 10, or specified federal determinations under subsection (e) of Section 9.1, the Board shall complete its rulemaking proceedings within one year after the adoption of the corresponding federal rule. If the Board consolidates multiple federal rulemakings into a single Board rulemaking, the one-year period shall be calculated from the adoption date of the federal rule first adopted among those consolidated. After adopting an "identical in substance" rule, if the Board determines that an amendment is needed to that rule, the Board shall initiate a rulemaking proceeding to propose such amendment. The amendment shall be adopted within one year of the initiation of the Board's determination.

Additionally, if the Board, after adopting an "identical in substance" rule, determines that a technical correction to that rule is needed, the Board may initiate an application for certification of correction under Section 5-85 of the Illinois Administrative Procedure Act.

The one-year period may be extended by the Board for an additional period of time if necessary to complete the rulemaking proceeding. In order to extend the one-year period, the Board must make a finding, based upon the record in the rulemaking proceeding, that the one-year period is insufficient for completion of the rulemaking, and such finding shall specifically state the reasons for the extension. Except as otherwise provided above, the Board must make the finding that an extension of time is necessary prior to the expiration of the initial one-year period, and must also publish a notice of extension in the Illinois Register as expeditiously as practicable following its decision, stating the specific reasons for the Board's decision to extend. The notice of extension need not appear in the Illinois Register prior to the expiration of the initial one year period and shall specify a date certain by which the Board anticipates completion of the rulemaking, except that if a date certain cannot be specified because of a need to delay adoption pending occurrence of an event beyond the Board's control, the notice shall specify the event, explain its circumstances, and contain an estimate of the amount of time needed to complete the rulemaking after the occurrence of the specified event.

(Source: P.A. 97-945, eff. 8-10-12.)

(415 ILCS 5/10) (from Ch. 111 1/2, par. 1010)

Sec. 10. Regulations.

(A) The Board, pursuant to procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe:

(a) (Blank);

(b) Emission standards specifying the maximum amounts or concentrations of various contaminants that may be discharged into the atmosphere;

(c) Standards for the issuance of permits for construction, installation, or operation of any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution;

(d) Standards and conditions regarding the sale, offer, or use of any fuel, vehicle, or other article determined by the Board to constitute an air-pollution hazard;

(e) Alert and abatement standards relative to air-pollution episodes or emergencies constituting an acute danger to health or to the environment;

(f) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to air pollution;

(g) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their sources, the collection of samples, and the collection, reporting, and retention of data resulting from such monitoring.

(B) The Board may adopt regulations and emission standards that are applicable or that may become applicable to stationary emission sources located in all areas of the State in accordance with any of the following:

(1) that are required by federal law;

(2) that are otherwise part of the State's attainment plan and are necessary to attain the national ambient air quality standards; ~~or~~

(3) that are necessary to comply with the requirements of the federal Clean Air Act; or

(4) that are necessary to comply with air quality standards adopted by the Board.

(C) The Board may not adopt any regulation banning the burning of landscape waste throughout the State generally. The Board may, by regulation, restrict or prohibit the burning of landscape waste within any geographical area of the State if it determines based on medical and biological evidence generally accepted by the scientific community that such burning will produce in the atmosphere of that geographical area contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life or health.

(D) The Board shall adopt regulations requiring the owner or operator of a gasoline dispensing system that dispenses more than 10,000 gallons of gasoline per month to install and operate a system for the recovery of gasoline vapor emissions arising from the fueling of motor vehicles that meets the requirements of Section 182 of the federal Clean Air Act (42 U.S.C. 7511a). These regulations shall apply only in areas of the State that are classified as moderate, serious, severe, or extreme nonattainment areas for ozone pursuant to Section 181 of the federal Clean Air Act (42 U.S.C. 7511), but shall not apply in such areas classified as moderate nonattainment areas for ozone if the Administrator of the U.S. Environmental Protection Agency promulgates standards for vehicle-based (onboard) systems for the control of vehicle refueling emissions pursuant to Section 202(a)(6) of the federal Clean Air Act (42 U.S.C. 7521(a)(6)) by November 15, 1992.

(E) The Board shall not adopt or enforce any regulation requiring the use of a tarpaulin or other covering on a truck, trailer, or other vehicle that is stricter than the requirements of Section 15-109.1 of the Illinois Vehicle Code. To the extent that it is in conflict with this subsection, the Board's rule codified as 35 Ill. Adm. Code 212.315 is hereby superseded.

(F) Any person who, prior to June 8, 1988, has filed a timely Notice of Intent to Petition for an Adjusted RACT Emissions Limitation and who subsequently timely files a completed petition for an adjusted RACT emissions limitation pursuant to 35 Ill. Adm. Code Part 215, Subpart I, shall be subject to the procedures contained in Subpart I but shall be excluded by operation of law from 35 Ill. Adm. Code Part 215, Subparts PP, QQ, and RR, including the applicable definitions in 35 Ill. Adm. Code Part 211. Such persons shall instead be subject to a separate regulation which the Board is hereby authorized to adopt pursuant to the adjusted RACT emissions limitation procedure in 35 Ill. Adm. Code Part 215, Subpart I. In its final action on the petition, the Board shall create a separate rule which establishes Reasonably Available Control Technology (RACT) for such person. The purpose of this procedure is to create separate and independent regulations for purposes of SIP submittal, review, and approval by USEPA.

(G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code 218.720 through 218.730 and 219.720 through 219.730, are hereby repealed by operation of law and are rendered null and void and of no force and effect.

(H) In accordance with subsection (b) of Section 7.2, the Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere; those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act, except that the Board shall not adopt under this subsection (H) any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this subsection all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act and Section

5-35 of the Illinois Administrative Procedure Act, relating to procedures for rulemaking, shall not apply to identical in substance regulations adopted pursuant to this subsection. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State. Nothing in this subsection shall be construed to limit the right of any person to submit a proposal to the Board, or the authority of the Board to adopt, air quality standards more stringent than the standards promulgated by the Administrator, pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 103-154, eff. 6-30-23.)

(415 ILCS 5/13) (from Ch. 111 1/2, par. 1013)

Sec. 13. Regulations.

(a) The Board, pursuant to procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes and provisions of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe:

(1) Water quality standards specifying among other things, the maximum short-term and long-term concentrations of various contaminants in the waters, the minimum permissible concentrations of dissolved oxygen and other desirable matter in the waters, and the temperature of such waters;

(2) Effluent standards specifying the maximum amounts or concentrations, and the physical, chemical, thermal, biological and radioactive nature of contaminants that may be discharged into the waters of the State, as defined herein, including, but not limited to, waters to any sewage works, or into any well, or from any source within the State;

(3) Standards for the issuance of permits for construction, installation, or operation of any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution or designed to prevent water pollution or for the construction or installation of any sewer or sewage treatment facility or any new outlet for contaminants into the waters of this State;

(4) The circumstances under which the operators of sewage works are required to obtain and maintain certification by the Agency under Section 13.5 and the types of sewage works to which those requirements apply, which may, without limitation, include wastewater treatment works, pretreatment works, and sewers and collection systems;

(5) Standards for the filling or sealing of abandoned water wells and holes, and holes for disposal of drainage in order to protect ground water against contamination;

(6) Standards and conditions regarding the sale, offer, or use of any pesticide, detergent, or any other article determined by the Board to constitute a water pollution hazard, provided that any such regulations relating to pesticides shall be adopted only in accordance with the "Illinois Pesticide Act", approved August 14, 1979 as amended;

(7) Alert and abatement standards relative to water-pollution episodes or emergencies which constitute an acute danger to health or to the environment;

(8) Requirements and procedures for the inspection of any equipment, facility, or vessel that may cause or contribute to water pollution;

(9) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their sources, the collection of samples and the collection, reporting and retention of data resulting from such monitoring.

(b) Notwithstanding other provisions of this Act and for purposes of implementing an NPDES program, the Board shall adopt:

(1) Requirements, standards, and procedures which, together with other regulations adopted pursuant to this Section 13, are necessary or appropriate to enable the State of Illinois to implement and participate in the National Pollutant Discharge Elimination System (NPDES) pursuant to and under the Federal Water Pollution Control Act, as now or hereafter amended. All regulations adopted by the Board governing the NPDES program shall be consistent with and at least as stringent as the applicable provisions of such federal Act and regulations pursuant thereto, and otherwise shall be consistent with all other provisions of this Act, and shall exclude from the requirement to obtain any operating permit otherwise required under this Title a facility for which an NPDES permit has been issued under Section 39(b); provided, however, that for purposes of this paragraph, a UIC permit, as required under Section 12(g) and 39(d) of this Act, is not an operating permit.

(2) Regulations for the exemption of any category or categories of persons or contaminant sources from the requirement to obtain any NPDES permit prescribed or from any standards or

conditions governing such permit when the environment will be adequately protected without the requirement of such permit, and such exemption is either consistent with the Federal Water Pollution Control Act, as now or hereafter amended, or regulations pursuant thereto, or is necessary to avoid an arbitrary or unreasonable hardship to such category or categories of persons or sources.

(c) In accordance with Section 7.2, and notwithstanding any other provisions of this Act, for purposes of implementing a State UIC program, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 1421 of the Safe Drinking Water Act (P.L. 93-523), as amended, except that the Board shall not adopt under this subsection (c) any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this subsection. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to regulations adopted under this subsection.

(d) The Board may adopt regulations relating to a State UIC program that are not inconsistent with and are at least as stringent as the Safe Drinking Water Act (P.L. 93-523), as amended, or regulations adopted thereunder. Regulations adopted pursuant to this subsection shall be adopted in accordance with the provisions and requirements of Title VII of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. 93-170, eff. 7-10-03.)

(415 ILCS 5/13.3) (from Ch. 111 1/2, par. 1013.3)

Sec. 13.3. In accordance with Section 7.2, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 307(b), (c), (d), 402(b)(8) and 402(b)(9) of the Federal Water Pollution Control Act, as amended, except that the Board shall not adopt under this Section any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this Section. Sections 5-35 and 5-75 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to regulations adopted under this Section. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State.

(Source: P.A. 88-45; 89-445, eff. 2-7-96.)

(415 ILCS 5/17.5) (from Ch. 111 1/2, par. 1017.5)

Sec. 17.5. In accordance with Section 7.2, the Board shall adopt regulations which are "identical in substance" to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (P.L. 93-523), as amended, except that the Board shall not adopt under this Section any standards less stringent than those existing in Board regulations. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this Section. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to regulations adopted under this Section. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months.

(Source: P.A. 88-45.)

(415 ILCS 5/22.4) (from Ch. 111 1/2, par. 1022.4)

Sec. 22.4. Hazardous waste; underground storage tanks; regulations.

(a) In accordance with Section 7.2, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 3001, 3002, 3003, 3004, and 3005, of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), except that the Board shall not adopt under this subsection (a) any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act shall not apply to rules adopted under this subsection. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to rules adopted under this subsection.

(b) The Board may adopt regulations relating to a State hazardous waste management program that are not inconsistent with and at least as stringent as the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), or regulations adopted thereunder. Regulations adopted pursuant to this subsection shall be adopted in accordance with the provisions and requirements of Title VII of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(c) Notwithstanding subsection (a) of this Section, the Board may adopt additional regulations identifying the characteristics of hazardous waste and additional regulations listing hazardous waste. In adopting such regulations, the Board shall take into account the toxicity, persistence, and degradability in nature, the potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics. The regulations may be revised from time to time as may be appropriate. Regulations adopted pursuant to this subsection shall be adopted in accordance with the provisions and requirements of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(d) (1) In accordance with Section 7.2, after the adoption of regulations by the United States Environmental Protection Agency to implement Section 9003 of Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), or any amendments to such regulations, the Board shall adopt regulations relating to corrective action at underground storage tanks that are identical in substance to such federal regulations, except that the Board shall not adopt under this subsection (d) any standards less stringent than those existing in Board regulations.

(2) The rulemaking provisions of Title VII of this Act and of Section 5-35 of the Illinois Administrative Procedure Act shall not apply to regulations or amendments adopted pursuant to this subsection (d).

(3) For purposes of adopting regulations or amendments thereto under this subsection (d), corrective action shall not include requirements providing for design, construction, installation, general operation, release detection, release reporting, release determination investigation, release confirmation, out-of-service systems and their closure or financial responsibility.

(4) By January 1, 1992, the Board shall amend its rules pertaining to underground storage tanks adopted under paragraph (1) of this subsection to make those rules applicable to any heating oil underground storage tank.

(Source: P.A. 87-323; 87-1088; 88-45.)

(415 ILCS 5/22.40)

Sec. 22.40. Municipal solid waste landfill rules.

(a) In accordance with Sec. 7.2, the Board shall adopt rules that are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 4004 and 4010 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) insofar as those regulations relate to a municipal solid waste landfill unit program, except that the Board shall not under this subsection (a) adopt any standards less stringent than those existing in Board regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. Where the federal regulations authorize the State to adopt alternative standards, schedules, or procedures to the standards, schedules, or procedures contained in the federal regulations, the Board may adopt alternative standards, schedules, or procedures under subsection (b) or retain existing Board rules that establish alternative standards, schedules, or procedures that are not inconsistent with the federal regulations. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months.

The provisions and requirements of Title VII of this Act shall not apply to rules adopted under this subsection (a). Section 5-35 of the Illinois Administrative Procedure Act relating to the procedures for rulemaking shall not apply to regulations adopted under this subsection (a).

(b) The Board may adopt regulations relating to a State municipal solid waste landfill program that are not inconsistent with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), or regulations adopted thereunder. Rules adopted under this subsection shall be adopted in accordance with the provisions and requirements of Title VII of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(c) (Blank.)

(Source: P.A. 92-574, eff. 6-26-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 3568** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Murphy, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 3608** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Executive.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 3608

AMENDMENT NO. 2 . Amend Senate Bill 3608 by replacing everything after the enacting clause with the following:

"Section 5. The Toll Highway Act is amended by changing Section 8 as follows:

(605 ILCS 10/8) (from Ch. 121, par. 100-8)

Sec. 8. The Authority shall have the power:

(a) To acquire, own, use, hire, lease, operate and dispose of personal property, real property (except with respect to the headquarters building and surrounding land of the Authority located at 2700 Ogden Avenue, Downers Grove, Illinois, which may be sold or mortgaged only as provided in Section 7.5 of the State Property Control Act to the extent that such property is subject to the State Property Control Act at the time of the proposed sale), any interest therein, including rights-of-way, franchises and easements.

(b) To enter into all contracts and agreements necessary or incidental to the performance of its powers under this Act. All employment contracts let under this Act shall be in conformity with the applicable provisions of "An Act regulating wages of laborers, mechanics and other workers employed under contracts for public works," approved June 26, 1941, as amended.

(c) To employ and discharge, without regard to the requirements of any civil service or personnel act, such administrative, engineering, traffic, architectural, construction, and financial experts, and inspectors, and such other employees, as are necessary in the Authority's judgment to carry out the purposes of this Act; and to establish and administer standards of classification of all of such persons with respect to their compensation, duties, performance, and tenure; and to enter into contracts of employment with such persons for such periods and on such terms as the Authority deems desirable.

(d) To appoint ~~by and with the consent of the Attorney General, assistant~~ attorneys for such Authority, which said ~~assistant~~ attorneys shall be under the control, direction and supervision of the Authority ~~Attorney General~~ and shall serve at the Authority's ~~his~~ pleasure.

(e) To retain special counsel, ~~subject to the approval of the Attorney General,~~ as needed from time to time, and fix their compensation, and ~~provided however,~~ such special counsel shall be subject to the control, direction and supervision of the Authority ~~Attorney General~~ and shall serve at the Authority's ~~his~~ pleasure.

(f) To acquire, construct, relocate, operate, regulate and maintain a system of toll highways through and within the State of Illinois. However, the Authority does not have the power to acquire, operate, regulate or maintain any system of toll highways or toll bridges or portions of them (including but not limited to any system organized pursuant to Division 108 of Article 11 of the Illinois Municipal Code) in the event either of the following conditions exists at the time the proposed acquisition, operation, regulation or maintenance of such system is to become effective:

(1) the principal or interest on bonds or other instruments evidencing indebtedness of the system are in default; or

(2) the principal or interest on bonds or other instruments evidencing indebtedness of the system have been in default at any time during the 5 year period prior to the proposed acquisition.

To facilitate such construction, operation and maintenance and subject to the approval of the Division of Highways of the Department of Transportation, the Authority shall have the full use and advantage of the engineering staff and facilities of the Department.
(Source: P.A. 93-19, eff. 6-20-03.)

Section 99. Effective date. This Act takes effect January 1, 2027.".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 3697** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Glowiak Hilton, **Senate Bill No. 3895** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3895

AMENDMENT NO. 1 . Amend Senate Bill 3895 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.37 and 4.42 as follows:

(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027. The following are repealed on January 1, 2027:

~~The Clinical Psychologist Licensing Act.~~

~~The Illinois Optometric Practice Act of 1987.~~

Articles II, III, IV, V, VI, VIIA, VIIC, XVII, XXXI, and XXXI 1/4 of the Illinois Insurance Code.

The Boiler and Pressure Vessel Repairer Regulation Act.

~~The Marriage and Family Therapy Licensing Act.~~

~~The Boxing and Full-contact Martial Arts Act.~~

The Cemetery Oversight Act.

The Community Association Manager Licensing and Disciplinary Act.

The Detection of Deception Examiners Act.

The Home Inspector License Act.

~~The Massage Licensing Act.~~

~~The Medical Practice Act of 1987.~~

The Petroleum Equipment Contractors Licensing Act.

The Radiation Protection Act of 1990.

The Real Estate Appraiser Licensing Act of 2002.

The Registered Interior Designers Act.

The Landscape Architecture Registration Act.

The Water Well and Pump Installation Contractor's License Act.

~~The Licensed Certified Professional Midwife Practice Act.~~

(Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21; 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff. 10-1-22; 102-813, eff. 5-13-22; 103-371, eff. 1-1-24; 103-823, eff. 8-9-24.)

(5 ILCS 80/4.42)

Sec. 4.42. Acts repealed on January 1, 2032. The following Acts are repealed on January 1, 2032:

The Collateral Recovery Act.

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

The Marriage and Family Therapy Licensing Act.

The Boxing and Full-contact Martial Arts Act.

The Massage Therapy Practice Act.

The Medical Practice Act of 1987.

The Licensed Certified Professional Midwife Practice Act.
(Source: P.A. 103-371, eff. 1-1-24.)

Section 10. The Clinical Psychologist Licensing Act is amended by changing Sections 2, 2.5, 3, 4, 4.3, 4.5, 5, 7, 10, 11, 11.5, 12.5, 13, 14, 15, 16, 16.1, 21, 21.2, 25, 26, 26.5, and 27 as follows:

(225 ILCS 15/2) (from Ch. 111, par. 5352)

(Section scheduled to be repealed on January 1, 2027)

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

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Clinical Psychologists Licensing and Disciplinary Board appointed by the Secretary.

(4) (Blank).

(5) "Clinical psychology" means the independent evaluation, classification, diagnosis, and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness. The practice of clinical psychology includes psychoeducational evaluation, therapy, remediation and consultation, the use of psychological and neuropsychological testing, assessment, psychotherapy, psychoanalysis, hypnosis, biofeedback, and behavioral modification when any of these are used for the purpose of preventing or eliminating psychopathology, or for the amelioration of psychological disorders of individuals or groups. "Clinical psychology" does not include the use of hypnosis by unlicensed persons pursuant to Section 3.

(6) A person represents oneself ~~himself~~ to be a "clinical psychologist" or "psychologist" within the meaning of this Act when the person ~~he or she~~ holds himself or herself out to the public by any title or description of services incorporating the words "psychological", "psychologic", "psychologist", "psychology", or "clinical psychologist" or under such title or description offers to render or renders clinical psychological services as defined in paragraph (7) of this Section to individuals or the public for remuneration.

(7) "Clinical psychological services" refers to any services under paragraph (5) of this Section if the words "psychological", "psychologic", "psychologist", "psychology" or "clinical psychologist" are used to describe such services by the person or organization offering to render or rendering them.

(8) "Collaborating physician" means a physician licensed to practice medicine in all of its branches in Illinois who generally prescribes medications for the treatment of mental health disease or illness to the physician's ~~his or her~~ patients in the normal course of the physician's ~~his or her~~ clinical medical practice.

(9) "Prescribing psychologist" means a licensed, doctoral level psychologist who has undergone specialized training, has passed an examination as determined by rule, and has received a current license granting prescriptive authority under Section 4.2 of this Act that has not been revoked or suspended from the Department.

(10) "Prescriptive authority" means the authority to prescribe, administer, discontinue, or distribute drugs or medicines.

(11) "Prescription" means an order for a drug, laboratory test, or any medicines, including controlled substances as defined in the Illinois Controlled Substances Act.

(12) "Drugs" has the meaning given to that term in the Pharmacy Practice Act.

(13) "Medicines" has the meaning given to that term in the Pharmacy Practice Act.

(14) "Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

(15) "Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

~~This Act shall not apply to persons lawfully carrying on their particular profession or business under any valid existing regulatory Act of the State.~~

(Source: P.A. 98-668, eff. 6-25-14; 99-572, eff. 7-15-16.)

(225 ILCS 15/2.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 2.5. Address of record; email address of record ~~Change of address~~. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.~~

(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/3) (from Ch. 111, par. 5353)

(Section scheduled to be repealed on January 1, 2027)

Sec. 3. Necessity of license; corporations, professional limited liability companies, partnerships, and associations; display of license.

(a) No individual shall, without a valid license as a clinical psychologist issued by the Department, in any manner hold oneself ~~himself or herself~~ out to the public as a psychologist or clinical psychologist under the provisions of this Act or render or offer to render clinical psychological services as defined in paragraph 7 of Section 2 of this Act; or attach the title "clinical psychologist", "psychologist" or any other name or designation which would in any way imply that the person ~~he or she~~ is able to practice as a clinical psychologist; or offer to render or render clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

No person may engage in the practice of clinical psychology, as defined in paragraph (5) of Section 2 of this Act, without a license granted under this Act, except as otherwise provided in this Act.

(b) No business organization shall provide, attempt to provide, or offer to provide clinical psychological services unless every member, shareholder, director, officer, holder of any other ownership interest, agent, and employee who renders clinical psychological services holds a currently valid license issued under this Act. No corporation or limited liability company shall be created that (i) has a stated purpose that includes clinical psychology, or (ii) practices or holds itself out as available to practice clinical psychology, unless it is organized under the Professional Service Corporation Act or the Professional Limited Liability Company Act.

(c) Individuals, corporations, professional limited liability companies, partnerships, and associations may employ practicum students, interns or postdoctoral candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license as a clinical psychologist to assist in the rendering of services, provided that such employees function under the direct supervision, order, control and full professional responsibility of a licensed clinical psychologist in the corporation, professional limited liability company, partnership, or association. Nothing in this paragraph shall prohibit a corporation, professional limited liability company, partnership, or association from contracting with a licensed health care professional to provide services.

(c-5) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for any hospital licensed under the Hospital Licensing Act or any hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act and any hospital authorized under the University of Illinois Hospital Act.

(d) Nothing in this Act shall prevent the employment, by a clinical psychologist, individual, association, partnership, professional limited liability company, or corporation furnishing clinical psychological services for remuneration, of persons not licensed as clinical psychologists under the provisions of this Act to perform services in various capacities as needed, provided that such persons are not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act. Nothing contained in this Act shall require any hospital, clinic, home health agency, hospice, or other entity that provides health care services to employ or to contract with a clinical psychologist licensed under this Act to perform any of the activities under paragraph (5) of Section 2 of this Act.

(e) Nothing in this Act shall be construed to limit the services and use of official title on the part of a person, not licensed under the provisions of this Act, in the employ of a State, county, or municipal agency or other political subdivision insofar that such services are a part of the duties in the person's ~~his or her~~ salaried position, and insofar that such services are performed solely on behalf of the person's ~~his or her~~ employer.

Nothing contained in this Section shall be construed as permitting such person to offer their services as psychologists to any other persons and to accept remuneration for such psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of this Act.

(f) Duly recognized members of any bona fide ~~bonafide~~ religious denomination shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being clinical psychologists or providing clinical psychological services.

(g) Nothing in this Act shall prohibit individuals not licensed under the provisions of this Act who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations, provided that such persons are not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

(h) Nothing in this Act shall be construed to prevent a person from practicing hypnosis without a license issued under this Act provided that the person (1) does not otherwise engage in the practice of clinical psychology, including, but not limited to, the independent evaluation, classification, and treatment of mental, emotional, behavioral, or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, (2) does not otherwise engage in the practice of medicine, including, but not limited to, the diagnosis or treatment of physical or mental ailments or conditions, and (3) does not hold the person ~~himself or herself~~ out to the public by a title or description stating or implying that the individual is a clinical psychologist or is licensed to practice clinical psychology.

(i) Every licensee under this Act shall prominently display the license at the licensee's principal office, place of business, or place of employment and, whenever requested by any representative of the Department, must exhibit the license.

(Source: P.A. 99-227, eff. 8-3-15; 99-572, eff. 7-15-16.)

(225 ILCS 15/4) (from Ch. 111, par. 5354)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4. Exemptions ~~Application of Act~~.

(a) Nothing in this Act shall be construed to limit the activities of and services of a student, intern or resident in psychology seeking to fulfill educational requirements or the experience requirements in order to qualify for a license under this Act, or an individual seeking to fulfill the postdoctoral experience requirements in order to qualify for licensure under this Act provided that such activities and services are under the direct supervision, order, control and full professional responsibility of a licensed clinical psychologist and provided that such student, intern, or resident be designated by a title "intern" or "resident" or other designation of trainee status. Supervised experience in which the supervisor receives monetary payment or other considerations from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum, internship or 2 years of satisfactory supervised experience requirements for licensure. Nothing contained in this Section shall be construed as permitting such students, interns, or residents to offer their services as clinical psychologists to any other person or persons and to accept remuneration for such clinical psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of this Act. Students, interns, and residents providing services pursuant to the exemption under this subsection (a) who violate any provision of this Act or its rules shall be subject to the provisions of Sections 16.5 and 27.2.

(b) Nothing in this Act shall be construed as permitting persons licensed as clinical psychologists to engage in any manner in the practice of medicine as defined in the laws of this State. Persons licensed as clinical psychologists who render services to persons in need of mental treatment or who are mentally ill shall as appropriate initiate genuine collaboration with a physician licensed in Illinois to practice medicine in all its branches.

(c) Nothing in this Act shall be construed as restricting an individual certified as a school psychologist by the State Board of Education, who is at least 21 years of age and has had at least 3 years of full-time experience as a certified school psychologist, from using the title school psychologist and offering school psychological services limited to those services set forth in the rules and regulations that govern the

administration and operation of special education pertaining to children and youth ages 0-21 prepared by the State Board of Education. Anyone offering such services under the provisions of this paragraph shall use the term school psychologist and describe such services as "School Psychological Services". This exemption shall be limited to the practice of school psychology only as manifested through psychoeducational problems, and shall not be construed to allow a school psychologist to function as a general practitioner of clinical psychology, unless otherwise licensed under this Act. However, nothing in this paragraph prohibits a school psychologist from making evaluations, recommendations or interventions regarding the placement of children in educational programs or special education classes, nor shall it prohibit school psychologists from providing clinical psychological services under the supervision of a licensed clinical psychologist. This paragraph shall not be construed to mandate insurance companies to reimburse school psychologists directly for the services of school psychologists. Nothing in this paragraph shall be construed to exclude anyone duly licensed under this Act from offering psychological services in the school setting. School psychologists providing services under the provisions of this paragraph shall not provide such services outside their employment to any child who is a student in the district or districts which employ such school psychologist. School psychologists, as described in this paragraph, shall be under the regulatory authority of the State Board of Education and the State Teacher Certification Board.

(d) Nothing in this Act shall be construed to limit the activities and use of the official title of "psychologist" on the part of a person not licensed under this Act who possesses a doctoral degree earned in a program concentrated primarily on the study of psychology and is an academic employee of a duly chartered institution of higher education insofar as such person engages in public speaking with or without remuneration, provided that such person is not in any manner held out to the public as practicing clinical psychology as defined in paragraph 5 of Section 2 of this Act, unless the person ~~he or she~~ has been licensed under the provisions of this Act.

(e) Nothing in this Act shall be construed to regulate, control, or restrict the clinical practice of any person licensed, registered, or certified in this State under any other Act, provided that such person is not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

(f) Nothing in this Act shall be construed to limit the activities and use of the title "psychologist" on the part of a person who practices psychology and (i) who possesses a doctoral degree earned in a program concentrated primarily on the study of psychology; and (ii) whose services involve the development and application of psychological theory and methodology to problems of organizations and problems of individuals and groups in organizational settings; and provided further that such person is not in any manner held out to the public as practicing clinical psychology and is not held out to the public by any title, description or designation stating or implying that the person ~~he or she~~ is a clinical psychologist unless the person ~~he or she~~ has been licensed under the provisions of this Act.

(g) This Act shall not apply to persons lawfully carrying on the person's particular profession or business under any valid existing regulatory Act of the State.

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

(225 ILCS 15/4.3)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4.3. Written collaborative agreements.

(a) A written collaborative agreement is required for all prescribing psychologists practicing under a prescribing psychologist license issued pursuant to Section 4.2 of this Act.

(b) A written delegation of prescriptive authority by a collaborating physician may only include medications for the treatment of mental health disease or illness the collaborating physician generally provides to the collaborating physician's ~~his or her~~ patients in the normal course of the collaborating physician's ~~his or her~~ clinical practice with the exception of the following:

(1) patients who are less than 17 years of age or over 65 years of age;

(2) patients during pregnancy;

(3) patients with serious medical conditions, such as heart disease, cancer, stroke, or seizures, and with developmental disabilities and intellectual disabilities; and

(4) prescriptive authority for benzodiazepine Schedule III controlled substances.

(c) The collaborating physician shall file with the Department notice of delegation of prescriptive authority and termination of the delegation, in accordance with rules of the Department. Upon receipt of this notice delegating authority to prescribe any nonnarcotic Schedule III through V controlled substances, the

licensed clinical psychologist shall be eligible to register for a mid-level practitioner controlled substance license under Section 303.05 of the Illinois Controlled Substances Act.

(d) All of the following shall apply to delegation of prescriptive authority:

(1) Any delegation of Schedule III through V controlled substances shall identify the specific controlled substance by brand name or generic name. No controlled substance to be delivered by injection may be delegated. No Schedule II controlled substance shall be delegated.

(2) A prescribing psychologist shall not prescribe narcotic drugs, as defined in Section 102 of the Illinois Controlled Substances Act.

Any prescribing psychologist who writes a prescription for a controlled substance without having valid and appropriate authority may be fined by the Department not more than $50 per prescription and the Department may take any other disciplinary action provided for in this Act.

All prescriptions written by a prescribing psychologist must contain the name of the prescribing psychologist and the prescribing psychologist's ~~his or her~~ signature. The prescribing psychologist shall sign the prescribing psychologist's ~~his or her~~ own name.

(e) The written collaborative agreement shall describe the working relationship of the prescribing psychologist with the collaborating physician and shall delegate prescriptive authority as provided in this Act. Collaboration does not require an employment relationship between the collaborating physician and prescribing psychologist. Absent an employment relationship, an agreement may not restrict third-party payment sources accepted by the prescribing psychologist. For the purposes of this Section, "collaboration" means the relationship between a prescribing psychologist and a collaborating physician with respect to the delivery of prescribing services in accordance with (1) the prescribing psychologist's training, education, and experience and (2) collaboration and consultation as documented in a jointly developed written collaborative agreement.

(f) The agreement shall promote the exercise of professional judgment by the prescribing psychologist corresponding to the prescribing psychologist's ~~his or her~~ education and experience.

(g) The collaborative agreement shall not be construed to require the personal presence of a physician at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician in person or by telecommunications in accordance with established written guidelines as set forth in the written agreement.

(h) Collaboration and consultation pursuant to all collaboration agreements shall be adequate if a collaborating physician does each of the following:

(1) participates in the joint formulation and joint approval of orders or guidelines with the prescribing psychologist and the collaborating physician ~~he or she~~ periodically reviews the prescribing psychologist's orders and the services provided patients under the orders in accordance with accepted standards of medical practice and prescribing psychologist practice;

(2) provides collaboration and consultation with the prescribing psychologist in person at least once a month for review of safety and quality clinical care or treatment;

(3) is available through telecommunications for consultation on medical problems, complications, emergencies, or patient referral; and

(4) reviews medication orders of the prescribing psychologist no less than monthly, including review of laboratory tests and other tests as available.

(i) The written collaborative agreement shall contain provisions detailing notice for termination or change of status involving a written collaborative agreement, except when the notice is given for just cause.

(j) A copy of the signed written collaborative agreement shall be available to the Department upon request to either the prescribing psychologist or the collaborating physician.

(k) Nothing in this Section shall be construed to limit the authority of a prescribing psychologist to perform all duties authorized under this Act.

(l) A prescribing psychologist shall inform each collaborating physician of all collaborative agreements the prescribing psychologist ~~he or she~~ has signed and provide a copy of these to any collaborating physician.

(m) No collaborating physician shall enter into more than 3 collaborative agreements with prescribing psychologists.

(Source: P.A. 101-84, eff. 7-19-19.)

(225 ILCS 15/4.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4.5. Endorsement; prescribing psychologists.

(a) Individuals who are already licensed as medical or prescribing psychologists in another state may apply for an Illinois prescribing psychologist license by endorsement from that state, or acceptance of that state's examination if they meet the requirements set forth in this Act and its rules, including proof of successful completion of the educational, testing, and experience standards. Applicants from other states may not be required to pass the examination required for licensure as a prescribing psychologist in Illinois if they meet requirements set forth in this Act and its rules, such as proof of education, testing, payment of any fees, and experience.

(b) Individuals who graduated from the Department of Defense Psychopharmacology Demonstration Project may apply for an Illinois prescribing psychologist license by endorsement. Applicants from the Department of Defense Psychopharmacology Demonstration Project may not be required to pass the examination required for licensure as a prescribing psychologist in Illinois if they meet requirements set forth in this Act and its rules, such as proof of education, testing, payment of any fees, and experience.

(c) Individuals applying for a prescribing psychologist license by endorsement shall be required to first obtain a clinical psychologist license under this Act.

(Source: P.A. 98-668, eff. 6-25-14.)

(225 ILCS 15/5) (from Ch. 111, par. 5355)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Confidentiality of information. No clinical psychologist shall disclose any information the clinical psychologist ~~he or she~~ may have acquired from persons consulting the clinical psychologist ~~him or her~~ in the clinical psychologist's ~~his or her~~ professional capacity, to any persons except only: (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide, (2) in all proceedings the purpose of which is to determine mental competency, or in which a defense of mental incapacity is raised, (3) in actions, civil or criminal, against the psychologist for malpractice, (4) with the expressed consent of the client, or in the case of the client's ~~his or her~~ death or disability, the client's ~~or his or her~~ personal representative or other person authorized to sue or of the beneficiary of an insurance policy on the client's ~~his or her~~ life, health, or physical condition, or (5) upon an issue as to the validity of a document as a will of a client. In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.

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

(225 ILCS 15/7) (from Ch. 111, par. 5357)

(Section scheduled to be repealed on January 1, 2027)

Sec. 7. Board. The Secretary shall appoint a Board that shall serve in an advisory capacity to the Secretary.

The Board shall consist of 11 persons: 4 of whom are licensed clinical psychologists and actively engaged in the practice of clinical psychology; 2 of whom are licensed prescribing psychologists; 2 of whom are physicians licensed to practice medicine in all its branches in Illinois who generally prescribe medications for the treatment of mental health disease or illness in the normal course of clinical medical practice, one of whom shall be a psychiatrist and the other a primary care or family physician; 2 of whom are licensed clinical psychologists and are full-time ~~full-time~~ faculty members of accredited colleges or universities who are engaged in training clinical psychologists; and one of whom is a public member who is not a licensed health care provider. In appointing members of the Board, the Secretary shall give due consideration to the adequate representation of the various fields of health care psychology such as clinical psychology, school psychology and counseling psychology. In appointing members of the Board, the Secretary shall give due consideration to recommendations by members of the profession of clinical psychology and by the Statewide ~~State-wide~~ organizations representing the interests of clinical psychologists and organizations representing the interests of academic programs as well as recommendations by approved doctoral level psychology programs in the State of Illinois, and, with respect to the 2 physician members of the Board, the Secretary shall give due consideration to recommendations by the Statewide professional associations or societies representing physicians licensed to practice medicine in all its branches in Illinois. The members shall be appointed for a term of 4 years. No member shall be eligible to serve for more than 2 full terms. Any appointment to fill a vacancy shall be for the unexpired portion of the term. A member appointed to fill a vacancy for an unexpired term for a duration of 2 years or more may be reappointed for a maximum of one term and a member appointed to fill a vacancy for an unexpired term for a duration of less than 2 years may be reappointed for a maximum of 2 terms. The

Secretary may remove any member for cause at any time prior to the expiration of the member's ~~his or her~~ term.

The 2 initial appointees to the Board who are licensed prescribing psychologists may hold a medical or prescription license issued by another state so long as the license is deemed by the Secretary to be substantially equivalent to a prescribing psychologist license under this Act and so long as the appointees also maintain an Illinois clinical psychologist license. Such initial appointees shall serve on the Board until the Department adopts rules necessary to implement licensure under Section 4.2 of this Act.

The Board shall annually elect a chairperson and vice chairperson.

The members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

The Secretary shall give due consideration to all recommendations of the Board.

The Board may make recommendations on all matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements and acceptable course content. Such recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

The 2 licensed prescribing psychologist members of the Board and the 2 physician members of the Board shall only deliberate and make recommendations related to the licensure and discipline of prescribing psychologists. Four members shall constitute a quorum, except that all deliberations and recommendations related to the licensure and discipline of prescribing psychologists shall require a quorum of 6 members. A quorum is required for all Board decisions.

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

The Secretary may terminate the appointment of any member for cause which in the sole opinion of the Secretary reasonably justifies such termination.

(Source: P.A. 98-668, eff. 6-25-14; 99-572, eff. 7-15-16.)

(225 ILCS 15/10) (from Ch. 111, par. 5360)

(Section scheduled to be repealed on January 1, 2027)

Sec. 10. Qualifications of applicants; examination. The Department, except as provided in Section 11 of this Act, shall issue a license as a clinical psychologist to any person who pays an application fee and who:

(1) is at least 21 years of age;

(2) (blank);

(3) is a graduate of a doctoral program from a college, university or school accredited by the regional accrediting body which is recognized by the Council on Postsecondary Accreditation and is in the jurisdiction in which it is located for purposes of granting the doctoral degree and either:

(a) is a graduate of a doctoral program in clinical, school or counseling psychology either accredited by the American Psychological Association or the Psychological Clinical Science Accreditation System or approved by the Council for the National Register of Health Service Providers in Psychology or other national board recognized by the Board, and has completed 2 years of satisfactory supervised experience in clinical, school or counseling psychology at least one of which is an internship and one of which is postdoctoral; or

(b) holds a doctoral degree from a recognized college, university or school which the Department, through its rules, establishes as being equivalent to a clinical, school or counseling psychology program and has completed at least one course in each of the following 7 content areas, in actual attendance at a recognized university, college or school whose graduates would be eligible for licensure under this Act: scientific and professional ethics, biological basis of behavior, cognitive-affective basis of behavior, social basis of behavior, individual differences, assessment, and treatment modalities; and has completed 2 years of satisfactory supervised experience in clinical, school or counseling psychology, at least one of which is an internship and one of which is postdoctoral; or

(c) holds a doctorate in psychology or in a program whose content is psychological in nature from an accredited college, university or school not meeting the standards of paragraph (a) or (b) of this subsection (3) and provides evidence of the completion of at least one course in each of the 7 content areas specified in paragraph (b) in actual attendance at a recognized university, school or college whose graduate would be eligible for licensure under this Act; and has completed an appropriate practicum, an internship or equivalent supervised clinical

experience in an organized mental health care setting and 2 years of satisfactory supervised experience in clinical or counseling psychology, at least one of which is postdoctoral; and

(4) has passed an examination authorized by the Department to determine the person's ~~his or her~~ fitness to receive a license.

Applicants for licensure under subsection (3)(a) and (3)(b) of this Section shall complete 2 years of satisfactory supervised experience, at least one of which shall be an internship and one of which shall be postdoctoral. A year of supervised experience is defined as not less than 1,750 hours obtained in not less than 50 weeks based on 35 hours per week for full-time work experience. Full-time supervised experience will be counted only if it is obtained in a single setting for a minimum of 6 months. Part-time and internship experience will be counted only if it is 18 hours or more a week for a minimum of 9 months and is in a single setting. The internship experience required under subsection (3)(a) and (3)(b) of this Section shall be a minimum of 1,750 hours completed within 24 months.

Programs leading to a doctoral degree require minimally the equivalent of 3 full-time academic years of graduate study, at least 2 years of which are at the institution from which the degree is granted, and of which at least one year or its equivalent is in residence at the institution from which the degree is granted. Course work for which credit is given for life experience will not be accepted by the Department as fulfilling the educational requirements for licensure. Residence requires interaction with psychology faculty and other matriculated psychology students; one year's residence or its equivalent is defined as follows:

(a) 30 semester hours taken on a full-time or part-time basis at the institution accumulated within 24 months, or

(b) a minimum of 350 hours of student-faculty contact involving face-to-face individual or group courses or seminars accumulated within 18 months. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90% of the time, be fully documented by the institution, and relate substantially to the program and course content. The institution must clearly document how the applicant's performance is assessed and evaluated.

To meet the requirement for satisfactory supervised experience, under this Act the supervision must be performed pursuant to the order, control and full professional responsibility of a licensed clinical psychologist. The clients shall be the clients of the agency or supervisor rather than the supervisee. Supervised experience in which the supervisor receives monetary payment or other consideration from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum, internship or 2 years of satisfactory supervised experience requirements for licensure.

Examinations for applicants under this Act shall be held at the direction of the Department from time to time but not less than once each year. The scope and form of the examination shall be determined by the Department.

Each applicant for a license who possesses the necessary qualifications therefor shall be examined by the Department, and shall pay to the Department, or its designated testing service, the required examination fee, which fee shall not be refunded by the Department. Beginning one year after the effective date of this amendatory Act of the 104th General Assembly, the required examination may be taken upon graduation and before completion of a postdoctoral supervised experience in clinical, school, or counseling psychology.

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

An applicant has one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to take and pass the examination again unless licensed in another jurisdiction of the United States within one year of passing the examination.

(Source: P.A. 104-301, eff. 1-1-26.)

(225 ILCS 15/11) (from Ch. 111, par. 5361)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11. Endorsement; clinical psychologists ~~Persons licensed in other jurisdictions~~.

(a) The Department may, in its discretion, grant a license on payment of the required fee to any person who, at the time of application, is licensed by another state or jurisdiction of the United States or by any foreign country or province whose standards, in the opinion of the Department, were substantially equivalent, at the date of the person's ~~his or her~~ licensure in the other jurisdiction, to the requirements of this

Act or to any person who, at the time of the person's ~~his or her~~ licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State.

(b) The Department may issue a license, upon payment of the required fee and recommendation of the Board, to an individual applicant who:

(1) has been licensed based on a doctorate degree to practice psychology in one or more other states or Canada for at least 30 months during the 5 consecutive years preceding application ~~20 years~~;

(2) has had no disciplinary action taken against his or her license in any other jurisdiction during the entire period of licensure;

(3) (blank);

(4) has not violated any provision of this Act or the rules adopted under this Act; and

(5) complies with all additional rules promulgated under this subsection.

The Department may promulgate rules to further define these licensing criteria.

(b-5) The endorsement process for individuals who are already licensed as medical or prescribing psychologists in another state is governed by Section 4.5 of this Act and not this Section.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall expire ~~be denied~~, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/11.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11.5. Temporary authorization of practice by persons licensed in other jurisdictions.

(a) A person licensed in another jurisdiction is authorized to render ~~The Department, in its discretion, may issue a temporary permit authorizing the rendering of~~ clinical psychological services, as defined in Section 2 of this Act, in this State for up to 10 calendar days per year, consecutively or in aggregate if the ~~. This temporary permit may be issued to an~~ individual ~~who~~ is licensed in good standing to practice psychology independently and at the doctoral level in another state, province, or territory. Any portion of a calendar day in which the psychologist provides services in this State is considered one working day. In no case shall a person practicing pursuant to this subsection (a) establish a permanent office location in Illinois, nor prepare or publish letterhead, business cards, or similar publicity materials listing an Illinois address or Illinois-based phone number. Time devoted to providing testimony in court or in deposition shall not be counted as part of the 10 calendar days allowed under this subsection (a).

~~An applicant for a temporary permit under this subsection (a) must apply to the Department on forms and in the manner prescribed by the Department. The application shall require that the applicant submit to the Department (i) satisfactory proof that the applicant is licensed in good standing to practice psychology independently and at the doctoral level in another state, province, or territory, including the sworn statement of the applicant that his or her license is not encumbered in any manner by any licensing authority, (ii) the name of the state, province, or territory in which the applicant is licensed, and (iii) the applicant's license number or other appropriate identifier issued by the licensing authority to the applicant.~~

(b) The Secretary may temporarily authorize an individual to practice clinical psychology who (i) holds an active, unencumbered license in good standing in another jurisdiction and (ii) has applied for a license under this Act due to a natural disaster or catastrophic event in the jurisdiction in which the individual ~~he or she~~ is licensed. The temporary authorization granted under this subsection (b) expires upon the issuance of a license under this Act or upon the notification that licensure has been denied by the Department.

(c) Any psychologist practicing pursuant to subsection (a) or (b) of this Section shall conform the psychologist's ~~his or her~~ practice to the mandates of and shall be subject to the prohibitions and sanctions, as well as the provisions on hearings and investigations, contained in this Act and any rules adopted thereunder while the psychologist ~~he or she~~ is practicing in this State.

(Source: P.A. 95-451, eff. 1-1-08.)

(225 ILCS 15/12.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 12.5. Social Security Number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number or individual taxpayer identification number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12.)

(225 ILCS 15/13) (from Ch. 111, par. 5363)

(Section scheduled to be repealed on January 1, 2027)

Sec. 13. License renewal; restoration.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. Every holder of a license under this Act may renew such license during the 90-day period immediately preceding the expiration date thereof upon payment of the required renewal fees and demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

A clinical psychologist who has permitted the clinical psychologist's ~~his or her~~ license to expire or who has had the clinical psychologist's ~~his or her~~ license on inactive status may have the clinical psychologist's ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department, as defined by rule, of the clinical psychologist's ~~his or her~~ fitness to have the clinical psychologist's ~~his or her~~ license restored, including evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the clinical psychologist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the clinical psychologist's ~~his or her~~ fitness to resume active status and may require the clinical psychologist to complete a period of supervised professional experience and may require successful completion of an examination.

However, any clinical psychologist ~~whose~~ license that expires ~~expired~~ while the clinical psychologist ~~he or she~~ was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the ~~his or her~~ license renewed or restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training or education the clinical psychologist ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the clinical psychologist ~~he or she~~ has been so engaged and that the clinical psychologist's ~~his or her~~ service, training, or education has been so terminated.

(b) Notwithstanding any other provision of law, the following requirements for restoration of an inactive or expired license of less than 5 years as set forth in subsection (a) are suspended for any licensed clinical psychologist who has had no disciplinary action taken against the clinical psychologist's ~~his or her~~ license in this State or in any other jurisdiction during the entire period of licensure: proof of fitness, certification of active practice in another jurisdiction, and the payment of a renewal fee. An individual may not restore the individual's ~~his or her~~ license in accordance with this subsection more than once.

(Source: P.A. 102-1053, eff. 6-10-22.)

(225 ILCS 15/14) (from Ch. 111, par. 5364)

(Section scheduled to be repealed on January 1, 2027)

Sec. 14. Inactive status. Any clinical psychologist who notifies the Department in writing on forms prescribed by the Department, may elect to place the clinical psychologist's ~~his or her~~ license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the clinical psychologist ~~he or she~~ notifies the Department in writing of the clinical psychologist's ~~his or her~~ intent to restore the clinical psychologist's ~~his or her~~ license.

Any clinical psychologist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the clinical psychologist's ~~his or her~~ license as provided in Section 13 of this Act.

Any clinical psychologist whose license is in an inactive status shall not practice in the State of Illinois.

Any licensee who shall practice clinical psychology while the licensee's ~~his or her~~ license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under this Act.

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

(225 ILCS 15/15) (from Ch. 111, par. 5365)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Disciplinary action; grounds.

(a) The Department may refuse to issue, refuse to renew, suspend, or revoke any license, or may place on probation, reprimand, or take other disciplinary or non-disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following reasons:

(1) Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

(2) Gross negligence in the rendering of clinical psychological services.

(3) Using fraud or making any misrepresentation in applying for a license or in passing the examination provided for in this Act.

(4) Aiding or abetting or conspiring to aid or abet a person, not a clinical psychologist licensed under this Act, in representing the person ~~himself or herself~~ as so licensed or in applying for a license under this Act.

(5) Violation of any provision of this Act or the rules promulgated thereunder.

(6) Professional connection or association with any person, firm, association, partnership or corporation holding ~~himself, herself,~~ themselves~~,~~ or itself out in any manner contrary to this Act.

(7) Unethical, unauthorized, or unprofessional conduct as defined by rule. In establishing those rules, the Department shall consider, though is not bound by, the ethical standards for psychologists promulgated by recognized national psychology associations.

(8) Aiding or assisting another person in violating any provisions of this Act or the rules promulgated thereunder.

(9) Failing to provide, within 30 ~~60~~ days, information in response to a written request made by the Department.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a clinical psychologist's inability to practice with reasonable judgment, skill, or safety.

(11) Discipline by another state, territory, the District of Columbia, or foreign country, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(12) Directly or indirectly giving or receiving from any person, firm, corporation, association, or partnership any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(13) A finding that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status, has violated the terms of probation.

(14) Willfully making or filing false records or reports, including, but not limited to, false records or reports filed with State agencies or departments.

(15) Physical illness, including, but not limited to, deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

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

(18) Violation of the Health Care Worker Self-Referral Act.

(19) Making a material misstatement in furnishing information to the Department, any other State or federal agency, or any other entity.

(20) Failing to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to an act or conduct similar to an act or conduct that would constitute grounds for action as set forth in this Section.

(21) Failing to report to the Department any adverse final action taken against a licensee or applicant by another licensing jurisdiction, including any other state or territory of the United States or any foreign state or country, or any peer review body, health care institution, professional society or association related to the profession, governmental agency, law enforcement agency, or court for an act or conduct similar to an act or conduct that would constitute grounds for disciplinary action as set forth in this Section.

(22) Prescribing, selling, administering, distributing, giving, or self-administering (A) any drug classified as a controlled substance (designated product) for other than medically accepted therapeutic purposes or (B) any narcotic drug.

(23) Violating State or federal laws or regulations relating to controlled substances, legend drugs, or ephedra as defined in the Ephedra Prohibition Act.

(24) Exceeding the terms of a collaborative agreement or the prescriptive authority delegated to a licensee by the licensee's ~~his or her~~ collaborating physician or established under a written collaborative agreement.

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

The Department shall refuse to issue or suspend the license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel any person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. The person to be examined may have, at the person's ~~his or her~~ own expense, another physician or clinical psychologist of the person's ~~his or her~~ choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department or Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds a person unable to practice because of the reasons set forth in this Section, the Department or Board may require that person to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file or the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the person shall have the person's ~~his or her~~ license suspended immediately, pending a hearing by the Board.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Board within 15 days after the suspension and completed without appreciable delay. The Board shall have the authority to review the subject person's

record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that the person ~~he or she~~ can resume practice in compliance with acceptable and prevailing standards under the provisions of the person's ~~his or her~~ license.

(b) The Department shall not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based solely upon the person recommending, aiding, assisting, referring for, or participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state.

(c) The Department shall not revoke, suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely on the person violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the applicable standard of conduct for a person practicing in Illinois under this Act.

(d) The conduct specified in subsections (b) and (c) shall not constitute grounds for suspension under Section 21.6.

(e) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based solely upon the license, registration, or permit of the person being suspended or revoked, or the person being otherwise disciplined, by any other state or territory other than Illinois for the referral for or having otherwise participated in any health care service, if the revocation, suspension, or other disciplinary action was based solely on a violation of the other state's law prohibiting such health care services in the state, for a resident of the state, or in any other state.

(f) The Department may adopt rules to implement, administer, and enforce this Section.

(Source: P.A. 104-432, eff. 1-1-26.)

(225 ILCS 15/16) (from Ch. 111, par. 5366)

(Section scheduled to be repealed on January 1, 2027)

Sec. 16. Investigations; notice; hearing.

(a) The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license or registration under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant or licensee ~~him or her~~ to file a written answer to the charges under oath within 20 days after service, and (iii) inform the applicant or licensee that failure to answer will result in a default being entered against the applicant or licensee.

(c) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board or hearing officer may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

(d) The written notice and any notice in the subsequent proceeding may be served by regular or certified mail to the applicant's or licensee's address of record.

(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/16.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 16.1. Appointment of hearing officer. Notwithstanding any other provision of this Act, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, renew or discipline a license. The hearing

officer shall have full authority to conduct the hearing. The hearing officer shall report the hearing officer's ~~his or her~~ findings of fact, conclusions of law, and recommendations to the Board and the Secretary.
(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/21) (from Ch. 111, par. 5371)

(Section scheduled to be repealed on January 1, 2027)

Sec. 21. Restoration of license. At any time after the suspension or revocation of any license, the Department may restore it to the licensee upon the written recommendation of the Board unless after an investigation and hearing the Board or Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the accused person prior to restoring the accused person's ~~his or her~~ license.
(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/21.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 21.2. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender the licensee's ~~his or her~~ license to the Department. If the licensee fails to do so, the Department has the right to seize the license.
(Source: P.A. 89-702, eff. 7-1-97.)

(225 ILCS 15/25) (from Ch. 111, par. 5375)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 94-870, eff. 6-16-06.)

(225 ILCS 15/26) (from Ch. 111, par. 5376)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26. Rendering services without a license. Any person rendering or offering to render clinical psychological services as defined in Section 2 of this Act or represents the person ~~himself or herself~~ or the person's ~~his or her~~ services as clinical psychological services as defined in Section 2 of this Act, when the person ~~he or she~~ does not possess a currently valid license as defined herein commits a Class B misdemeanor, for a first offense; and for a second or subsequent violation commits a Class 4 felony.
(Source: P.A. 89-387, eff. 8-20-95; 89-702, eff. 7-1-97.)

(225 ILCS 15/26.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.5. Advertising services. A licensee shall include in every advertisement for services regulated under this Act the licensee's ~~his or her~~ title as it appears on the license or the initials authorized under this Act.
(Source: P.A. 91-310, eff. 1-1-00.)

(225 ILCS 15/27) (from Ch. 111, par. 5377)

(Section scheduled to be repealed on January 1, 2027)

Sec. 27. Injunctions. It is hereby declared to be a public nuisance for any person to render or offer to render clinical psychological services as defined in Section 2 of this Act or to represent oneself ~~himself~~ as a clinical psychologist or that the services the person ~~he or she~~ renders are clinical psychological services as defined in Section 2 of this Act, without having in effect a currently valid license as defined in this Act. The Secretary, Attorney General, or the State's Attorney of the county in which such nuisance has occurred may file a complaint in the circuit court in the name of the People of the State of Illinois perpetually to enjoin

such person from performing such unlawful acts. Upon the filing of a verified complaint in such cause, the court, if satisfied that such unlawful act has been performed and may continue to be performed, shall enter a temporary restraining order or preliminary injunction without notice or bond enjoining the defendant from performing such unlawful act.

If it is established that the defendant contrary to this Act has been rendering or offering to render clinical psychological services as defined in Section 2 of this Act or is engaging in or about to engage in representing himself or herself as a clinical psychologist or that the services the person ~~he or she~~ renders are clinical psychological services as defined in Section 2 of this Act, without having been issued a license or after the person's ~~his or her~~ license has been suspended or revoked or after the person's ~~his or her~~ license has not been renewed, the court, may enter a judgment perpetually enjoining such person from further engaging in the unlawful act. In case of violation of any injunction entered under this Section, the court, may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.
(Source: P.A. 94-870, eff. 6-16-06.)

Section 15. The Marriage and Family Therapy Licensing Act is amended by changing Sections 10, 15, 20, 25, 30, 45, 60, 65, 75, 85, 90, 91, 95, 135, and 145 and by adding Section 71 as follows:

(225 ILCS 55/10) (from Ch. 111, par. 8351-10)

(Section scheduled to be repealed on January 1, 2027)

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

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

"Advertise" means, but is not limited to, issuing or causing to be distributed any card, sign, website, or other similar type of publication or electronic format or a device to any person; or causing, permitting or allowing any sign or marking on or in any building, structure, newspaper, magazine or directory, or on radio, ~~or~~ television, a website, or another similar type of electronic format; or advertising by any other means designed to secure public attention.

"Approved program" means an approved comprehensive program of study in marriage and family therapy in a regionally accredited educational institution approved by the Department for the training of marriage and family therapists.

"Associate licensed marriage and family therapist" means a person to whom an associate licensed marriage and family therapist license has been issued under this Act.

"Board" means the Illinois Marriage and Family Therapy Licensing and Disciplinary Board.

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

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"First qualifying degree" means the first master's or doctoral degree, as described in paragraph (1) of subsection (b) of Section 40, that an applicant for licensure received.

"Independent practice of marriage and family therapy" means the application of marriage and family therapy knowledge and skills by a licensed marriage and family therapist who regulates and is responsible for the therapist's own practice or treatment procedures.

"License" means that which is required to practice marriage and family therapy under this Act, the qualifications for which include specific education, acceptable experience and examination requirements.

"Licensed marriage and family therapist" means a person to whom a marriage and family therapist license has been issued under this Act.

"Marriage and family therapy" means the evaluation and treatment of mental and emotional problems within the context of human relationships. Marriage and family therapy involves the use of psychotherapeutic methods to ameliorate interpersonal and intrapersonal conflict and to modify perceptions, beliefs and behavior in areas of human life that include, but are not limited to, premarriage, marriage, sexuality, family, divorce adjustment, and parenting.

"Person" means any individual, firm, corporation, partnership, organization, or body politic.

"Practice of marriage and family therapy" means the rendering of marriage and family therapy services to individuals, couples, and families as defined in this Section, either singly or in groups, whether the services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

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

~~"Title or description" means to hold oneself out as a licensed marriage and family therapist or an associate licensed marriage and family therapist to the public by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification.~~

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/15) (from Ch. 111, par. 8351-15)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Exemptions.

(a) (Blank). ~~Nothing contained in this Act shall restrict any person not licensed under this Act from performing marriage and family therapy if that person does not represent himself or herself as a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".~~

(b) Nothing in this Act shall be construed as permitting persons licensed as marriage and family therapists and associate licensed marriage and family therapists to engage in any manner in the practice of medicine as defined in the laws of this State.

(c) Nothing in this Act shall be construed to prevent qualified members of other professional groups, including, but not limited to, clinical psychologists, social workers, counselors, attorneys at law, or psychiatric nurses, from performing or advertising that they perform the work of a marriage and family therapist consistent with the laws of this State, their training, and any code of ethics of their respective professions, provided they do not represent themselves by any title or description as a licensed marriage and family therapist or an associate licensed marriage and family therapist.

(c-5) Nothing in this Act shall be construed to limit the activities of a marriage and family therapy student or intern seeking to fulfill educational requirements or experience requirements in order to qualify for a license under this Act if the activities are under the direct supervision, order, control, and full professional responsibility of a licensed marriage and family therapist and the student or intern is designated by the title "intern" or another designation of the student's or intern's trainee status. The Department shall not accept supervised experience in which the supervisor receives monetary payment or other consideration from the supervisee or supervised experience in which the supervisor is hired by or otherwise employed by the supervisee for the supervised experience requirements for licensure. Nothing in this Section shall be construed as permitting students or interns seeking to fulfill educational requirements or experience requirements in order to qualify for a license under this Act to offer their services in marriage and family therapy to any other person or persons or to accept remuneration for such marriage and family therapy services other than as specified in this Act, unless the students or interns have been licensed under the provisions of this Act.

(d) Nothing in this Act shall be construed to prevent any person from the bona fide practice of the doctrines of an established church or religious denomination if the person does not hold oneself ~~himself or herself~~ out to be a licensed marriage and family therapist or an associate licensed marriage and family therapist.

(e) Nothing in this Act shall prohibit self-help groups or programs or not-for-profit organizations from providing services so long as these groups, programs, or organizations do not hold themselves out as practicing or being able to practice marriage and family therapy.

(f) This Act does not prohibit:

(1) A person from practicing marriage and family therapy as part of the person's ~~his or her~~ duties as an employee of a recognized academic institution, or a federal, State, county, or local governmental institution or agency while performing those duties for which the person ~~he or she~~ was employed by the institution, agency or facility.

(2) (Blank). ~~A person from practicing marriage and family therapy as part of his or her duties as an employee of a nonprofit organization consistent with the laws of this State, his or her training, and any code of ethics of his or her respective professions, provided the person does not represent himself or herself as a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".~~

(3) A person from practicing marriage and family therapy if the person is obtaining experience for licensure as a marriage and family therapist, provided the person is designated by a title that clearly indicates training status. A person who provides services pursuant to the exemption in this paragraph (3) and who violates any provision of this Act or its rules shall be subject to the provisions of Sections 90 and 91.

(4) A person licensed in this State under any other Act from engaging the practice for which the person ~~he or she~~ is licensed.

(5) A person from practicing marriage and family therapy if the person is a marriage and family therapist regulated under the laws of another State, territory of the United States or country and who has applied in writing to the Department, on forms prepared and furnished by the Department, for licensing as a marriage and family therapist and who is qualified to receive a license under Section 40 until the expiration of 6 months after the filing of the written application, the withdrawal of the application, a notice of intent to deny the application, or the denial of the application by the Department, whichever occurs first.

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/20) (from Ch. 111, par. 8351-20)

(Section scheduled to be repealed on January 1, 2027)

Sec. 20. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers, and duties:

(a) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and qualified.

(b) Adopt rules required for the administration of this Act, including, but not limited to, rules for a method of examination of candidates and for determining approved graduate programs. All examinations, either conducted or authorized, must allow reasonable accommodations for an applicant whose primary language is not English if an examination in the applicant's primary language is not available. All examinations either conducted or authorized must comply with all communication, access, and reasonable modification requirements in Section 504 of the federal Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

(b-5) Prescribe forms to be issued for the administration and enforcement of this Act consistent with and reflecting the requirements of this Act and rules adopted pursuant to this Act.

(c) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, ~~or~~ reprimand, or impose any other discipline upon persons licensed under the provisions of this Act.

(d) Conduct investigations related to possible violations of this Act.

The Board may make recommendations on matters relating to continuing education, including the number of hours necessary for license renewal, waivers for those unable to meet the requirements, and acceptable course content.

(Source: P.A. 104-178, eff. 1-1-26.)

(225 ILCS 55/25) (from Ch. 111, par. 8351-25)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25. Marriage and Family Therapy Licensing and Disciplinary Board.

(a) The Secretary shall appoint a Marriage and Family Therapy Licensing and Disciplinary Board. The Board shall be composed of 5 ~~7~~ persons who shall serve in an advisory capacity to the Secretary. The Board shall annually elect a chairperson and a vice chairperson.

(b) In appointing members of the Board, the Secretary shall give due consideration to recommendations by members of the profession of marriage and family therapy and by the statewide organizations solely representing the interests of marriage and family therapists.

(c) Four ~~Five~~ members of the Board shall be marriage and family therapists who have been in active practice for at least 5 years immediately preceding their appointment, or engaged in the education and training of masters, doctoral, or post-doctoral students of marriage and family therapy, or engaged in marriage and family therapy research. Each marriage or family therapy teacher or researcher shall have spent the majority of the time devoted to the study or research of marriage and family therapy during the 2 years immediately preceding the marriage or family therapy teacher's or researcher's ~~his or her~~ appointment to the Board. The appointees shall be licensed under this Act.

(d) One member ~~Two members~~ shall be a representative ~~representatives~~ of the general public who has ~~have~~ no direct affiliation or work experience with the practice of marriage and family therapy, social work or clinical social work, professional counseling or clinical professional counseling, or clinical psychology and who clearly represents ~~represent~~ consumer interests.

(e) Board members shall be appointed for terms of 4 years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Board member whom the person ~~he or she~~

shall succeed. Upon the expiration of this term of office, a Board member shall continue to serve until a successor is appointed and qualified. No member shall serve more than 2 ~~consecutive~~ 4-year terms.

(f) The membership of the Board shall reasonably reflect representation from the various geographic areas of the State.

(g) Members of the Board shall have no liability in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(h) The Secretary may remove any member of the Board for any cause that, in the sole opinion of the Secretary, reasonably justifies termination.

(i) The Secretary may consider the recommendations of the Board on questions of standards of professional conduct, discipline, and qualification of candidates or licensees under this Act.

(j) The members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(k) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/30) (from Ch. 111, par. 8351-30)

(Section scheduled to be repealed on January 1, 2027)

Sec. 30. Application.

(a) Applications for original licensure shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the appropriate documentation and the required fee, which shall not be refundable. Any application shall require such information as, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for licensing.

(b) Applicants have 3 years from the date of application to complete the application process. If the application has not been completed within 3 years, the application shall expire ~~be denied~~, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(c) A license shall not be denied to an applicant because of the applicant's race, religion, creed, national origin, real or perceived immigration status, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability to practice with reasonable judgment, skill, or safety.

(Source: P.A. 103-715, eff. 1-1-25.)

(225 ILCS 55/45) (from Ch. 111, par. 8351-45)

(Section scheduled to be repealed on January 1, 2027)

Sec. 45. Licenses; renewals; restoration; person in military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a condition for renewal of a license, the licensee shall be required to complete continuing education under requirements set forth in rules of the Department.

(b) Any person who has permitted the person's ~~his or her~~ license to expire may have the person's ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the person's ~~his or her~~ license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, complying with any continuing education requirements, and paying the required restoration fee.

(c) If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require the person to complete a period of evaluated clinical experience and successful completion of a practical examination.

However, any person whose license expired while the person ~~he or she~~ has been engaged (i) in federal service on active duty with the Armed Forces of the United States or called into service or training with the State Militia, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have the person's ~~his or her~~ license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of the service, training or education, except under condition other than honorable, the person ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the person ~~he or she~~ has been so engaged and that the service, training, or education has been so terminated.

(d) Any person who notifies the Department, in writing on forms prescribed by the Department, may place the person's ~~his or her~~ license on inactive status and shall be excused from the payment of renewal fees until the person notifies the Department in writing of the intention to resume active practice.

(e) Any person requesting that the person's ~~his or her~~ license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements.

(f) Any marriage and family therapist or associate licensed marriage and family therapist whose license is nonrenewed or on inactive status shall not engage in the practice of marriage and family therapy in the State of Illinois and use the title or advertise that he or she performs the services of a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".

(g) Any person violating subsection (f) of this Section shall be considered to be practicing without a license and will be subject to the disciplinary provisions of this Act.

(h) (Blank).

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/60) (from Ch. 111, par. 8351-60)

(Section scheduled to be repealed on January 1, 2027)

Sec. 60. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 55/65) (from Ch. 111, par. 8351-65)

(Section scheduled to be repealed on January 1, 2027)

Sec. 65. Endorsement. The Department may issue a license as a licensed marriage and family therapist, without the required examination, to an applicant licensed under the laws of another state if the requirements for licensure in that state are, on the date of licensure, substantially equivalent to the requirements of this Act or to a person who, at the time of the person's ~~his or her~~ application for licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay all of the required fees.

An individual applying for licensure as a licensed marriage and family therapist who has been licensed without discipline at the independent level in another United States jurisdiction for at least 30 months during the 5 consecutive years preceding application is not required to submit proof of completion of the education, professional experience, and supervision required in Section 40. Individuals meeting this requirement must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements and pay all required fees.

If the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

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

(Source: P.A. 102-1053, eff. 6-10-22; 103-955, eff. 1-1-25.)

(225 ILCS 55/71 new)

Sec. 71. Temporary authorization of practice by persons licensed in other jurisdictions.

(a) A person licensed in another jurisdiction is authorized to render marriage and family therapy services in this State for up to 10 calendar days per year, consecutively or in aggregate, if the individual is licensed in good standing to practice marriage and family therapy independently and at the doctoral level in another state, province, or territory. Any portion of a calendar day in which the person provides services in this State shall be considered as one working day. A person practicing pursuant to this subsection (a) shall not establish a permanent office location in this State, nor prepare or publish letterhead, business cards, or similar publicity materials listing an Illinois address or Illinois-based phone number. Any time that the person devotes to providing testimony in court or in deposition as a marriage and family therapist shall not be counted as part of the 10 calendar days allowed under this subsection (a).

(b) The Secretary may temporarily authorize an individual to practice marriage and family therapy if the individual:

(1) holds an active, unencumbered license in good standing in another jurisdiction; and

(2) has applied for a license under this Act due to a natural disaster or catastrophic event in the jurisdiction in which the individual is licensed.

The temporary authorization granted under this subsection (b) shall expire upon the issuance of a license under this Act to the individual or upon notification to the individual that licensure has been denied by the Department.

(c) Any marriage and family therapist practicing pursuant to subsection (a) or (b) of this Section shall be subject to and shall conform the marriage and family therapist's practice to the requirements of the prohibitions and sanctions under this Act, the provisions on hearings and investigations under this Act, and any rules adopted under this Act while the marriage and family therapist is practicing in this State.

(225 ILCS 55/75) (from Ch. 111, par. 8351-75)

(Section scheduled to be repealed on January 1, 2027)

Sec. 75. License; restrictions and limitations.

(a) No person shall, without a valid license as an associate licensed marriage and family therapist issued by the Department:

(1) in any manner hold oneself out to the public as an associate licensed marriage and family therapist;

(2) attach the title "associate licensed marriage and family therapist" or use the credential "A.M.F.T." or "A.L.M.F.T."; or

(3) offer to render or render to individuals, corporations, or the public associate licensed marriage and family services.

(b) No person shall, without a valid license as a licensed marriage and family therapist issued by the Department:

(1) in any manner hold oneself out to the public as a marriage and family therapist or a licensed marriage and family therapist;

(2) attach the title "marriage and family therapist" or "licensed marriage and family therapist" or use the credential "M.F.T." or "L.M.F.T."; or

(3) offer to render or render to individuals, corporations, or the public marriage and family therapist services.

(c) No business organization shall provide, attempt to provide, or offer to provide marriage and family therapy services unless every member, partner, shareholder, director, officer, holder of any other ownership interest, agent, and employee who renders marriage and family therapy services holds a currently valid license issued under this Act. No business shall be created that (1) has a stated purpose that includes marriage and family therapy, or (2) practices or holds itself out as available to practice marriage and family therapy, unless it is organized under the Professional Service Corporation Act or Professional Limited Liability Company Act. Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

(d) Individuals, corporations, professional limited liability companies, partnerships, and associations may employ interns seeking to fulfill the professional experience requirements needed to qualify for a license as a marriage and family therapist to assist in the rendering of marriage and family therapy services if the interns function under the direct supervision, order, control, and full professional responsibility of a licensed marriage and family therapist at the corporation, professional limited liability company, partnership, or association. Nothing in this paragraph shall prohibit a corporation, professional limited

liability company, partnership, or association from contracting with a licensed health care professional to provide marriage and family therapy services.

(Source: P.A. 99-227, eff. 8-3-15; 100-372, eff. 8-25-17.)

(225 ILCS 55/85) (from Ch. 111, par. 8351-85)

(Section scheduled to be repealed on January 1, 2027)

Sec. 85. Refusal, revocation, or suspension.

(a) The Department may refuse to issue or renew a license, or may revoke, suspend, reprimand, place on probation, or take any other disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or combination of the following grounds:

(1) Material misstatement in furnishing information to the Department.

(2) Violation of any provision of this Act or its rules.

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

(4) Fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act or its rules.

(5) Professional incompetence.

(6) Gross negligence in practice under this Act.

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

(8) Failing, within 30 ~~60~~ days, to provide information in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public as defined by the rules of the Department, or violating the rules of professional conduct adopted by the Department.

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

(11) Discipline by another jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(13) A finding by the Department that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status, has violated the terms of probation or failed to comply with the terms.

(14) Abandonment of a patient without cause.

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

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

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

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

(19) Solicitation of professional services by using false or misleading advertising.

(20) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

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

(22) Gross, willful, and continued overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered.

(23) Failure to establish and maintain records of patient care and treatment as required by law.

(24) Cheating on or attempting to subvert the licensing examinations administered under this Act.

(25) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

(26) Being named as an abuser in a verified report by the Department on Aging and under the Adult Protective Services Act and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(b) (Blank).

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will terminate only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume the licensee's ~~his or her~~ practice as a licensed marriage and family therapist or an associate licensed marriage and family therapist.

(d) The Department shall refuse to issue or may suspend the license of any person who fails to file a return, pay the tax, penalty, or interest shown in a filed return or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the time the requirements of the tax Act are satisfied.

(d-5) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based solely upon the person authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state.

(d-10) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely on the person violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the applicable standard of conduct for a person practicing in Illinois under this Act.

(d-15) The conduct specified in subsection (d-5), (d-10), (d-25), or (d-30) shall not constitute grounds for suspension under Section 145.

(d-20) An applicant seeking licensure, certification, or authorization pursuant to this Act who has been subject to disciplinary action by a duly authorized professional disciplinary agency of another jurisdiction solely on the basis of having authorized, recommended, aided, assisted, referred for, or otherwise participated in health care shall not be denied such licensure, certification, or authorization, unless the Department determines that such action would have constituted professional misconduct in this State; however, nothing in this Section shall be construed as prohibiting the Department from evaluating the conduct of such applicant and making a determination regarding the licensure, certification, or authorization to practice a profession under this Act.

(d-25) The Department may not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice issued under this Act based solely upon an immigration violation by the person.

(d-30) The Department may not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely upon an immigration violation by the person.

(e) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, licensed marriage and family therapists, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed.

The Department or Board may order the examining physician or any member of the multidisciplinary team to present testimony concerning the mental or physical examination of the licensee or applicant. No information, report, record, or other documents in any way related to the examination shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation.

The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of this examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

Failure of an individual to submit to a mental or physical examination, when ordered, shall result in an automatic suspension of the individual's ~~his or her~~ license until the individual submits to the examination.

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

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

(f) A fine shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(g) The Department may adopt rules to implement, administer, and enforce this Section.

(Source: P.A. 103-715, eff. 1-1-25; 104-432, eff. 1-1-26.)

(225 ILCS 55/90) (from Ch. 111, par. 8351-90)

(Section scheduled to be repealed on January 1, 2027)

Sec. 90. Violations; injunctions; cease and desist order.

(a) If any person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a marriage and family therapist or an associate marriage and family therapist or holds oneself ~~himself or herself~~ out as such without having a valid license under this Act, then any licensee, any interested party or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

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

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 55/91)

(Section scheduled to be repealed on January 1, 2027)

Sec. 91. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself ~~himself or herself~~ out to practice as a licensed marriage and family therapist or an associate licensed marriage and family therapist without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any and all unlicensed activity.

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

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/95) (from Ch. 111, par. 8351-95)

(Section scheduled to be repealed on January 1, 2027)

Sec. 95. Investigation; notice and hearing.

(a) The Department may investigate the actions or qualifications of any person or persons holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date set for the hearing, (i) notify the accused in writing of any charges made and the time and place for a hearing on the charges, (ii) direct the accused ~~him or her~~ to file a written answer to the charges under oath within 20 days after the service on the accused ~~him or her~~ of such notice, and (iii) inform the applicant or licensee that failure to file an answer will result in a default being entered against the applicant or licensee.

(c) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board or hearing officer may continue the hearing from time to time. In case the person, after receiving notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Secretary having first received the recommendation of the Board, ~~,~~ be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at the applicant's or licensee's ~~his or her~~ address of record or email address of record.

(Source: P.A. 100-372, eff. 8-25-17; revised 6-24-25.)

(225 ILCS 55/135) (from Ch. 111, par. 8351-135)

(Section scheduled to be repealed on January 1, 2027)

Sec. 135. Restoration. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore the license to the licensee, upon the written recommendation of the Board, unless after an investigation and a hearing the Board or Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring the ~~his or her~~ license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license or permit until such time as provided for in the Civil Administrative Code of Illinois.

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/145) (from Ch. 111, par. 8351-145)

(Section scheduled to be repealed on January 1, 2027)

Sec. 145. Summary suspension. The Secretary may summarily suspend the license of a marriage and family therapist or an associate licensed marriage and family therapist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary finds that evidence in the Secretary's ~~his or her~~ possession indicates that a marriage and family therapist's or associate licensed marriage and family therapist's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of a marriage and family therapist or an associate licensed marriage and family therapist without a hearing, a hearing by the Board or Department must be held within 30 calendar days after the suspension has occurred.

(Source: P.A. 100-372, eff. 8-25-17.)

Section 20. The Massage Therapy Practice Act is amended by changing Sections 15, 17, 19, 25, 30, 32, 35, 45, 50, 68, 70, 75, 90, 95, 100, 105, and 165 as follows:

(225 ILCS 57/15)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Licensure requirements.

(a) Persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing or electronically on the ~~prescribed~~ forms provided by the Department and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has successfully completed a massage therapy program approved by the Department that requires a minimum of ~~500 hours, except applicants applying on or after January 1, 2014 shall meet a minimum requirement of~~ 600 hours~~,~~ and has passed a competency examination approved by the Department.

(b) Each applicant for licensure as a massage therapist shall have the applicant's ~~his or her~~ fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Illinois State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated

vendor to provide the applicant's ~~his or her~~ fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

(c) Each applicant for licensure as a massage therapist shall submit a copy of a current and valid form of government identification that includes a photograph of the licensee, including, but not limited to, a State-issued driver's license, a State identification card, or a passport.

(Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(225 ILCS 57/17)

(Section scheduled to be repealed on January 1, 2027)

Sec. 17. Social Security number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original, renewal, reinstated, or restored license as a massage therapist under this Act shall include the applicant's Social Security number or individual taxpayer identification number.

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/19)

(Section scheduled to be repealed on January 1, 2027)

Sec. 19. Endorsement. The Department may, in its discretion, license as a massage therapist~~,~~ by endorsement upon ~~, on~~ payment of the required fee and submission of an application, an applicant who is a massage therapist licensed under the laws of another state or territory, if the requirements for licensure in the state or territory in which the applicant was licensed were, at the date of the applicant's ~~his or her~~ licensure, substantially equivalent to the requirements in force in this State on that date. The Department may adopt any rules necessary to implement this Section.

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

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/25)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25. Exemptions.

(a) This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which the person ~~he or she~~ is licensed.

(b) Persons exempted under this Section include, but are not limited to, physicians, podiatric physicians, naprapaths, and physical therapists.

(c) Nothing in this Act prohibits qualified members of other professional groups, including, but not limited to, nurses, occupational therapists, cosmetologists, and estheticians, from performing massage in a manner consistent with their training and the code of ethics of their respective professions.

(d) Nothing in this Act prohibits a student of an approved massage school or program from performing massage, provided that the student does not hold the student ~~himself or herself~~ out as a licensed massage therapist and does not receive compensation, including tips, for massage therapy services.

(e) Nothing in this Act prohibits practitioners that do not involve intentional soft tissue manipulation, including, but not limited to, Alexander Technique, Feldenkrais, Reike, and Therapeutic Touch, from practicing.

(f) Practitioners of certain service marked bodywork approaches that do involve intentional soft tissue manipulation, including, but not limited to, Rolfing, Trager Approach, Polarity Therapy, and Orthobionomy, are exempt from this Act if they are approved by their governing body based on a minimum level of training, demonstration of competency, and adherence to ethical standards.

(g) (Blank). ~~Until January 1, 2024, members of the American Organization for Bodywork Therapies of Asia are exempt from licensure under this Act.~~

(h) Practitioners of other forms of bodywork who restrict manipulation of soft tissue to the feet, hands, and ears, and who do not have the client disrobe, such as reflexology, are exempt from this Act.

(i) Nothing in this Act applies to massage therapists from other states or countries when providing educational programs for a period not exceeding 30 days within a calendar year.

(j) Nothing in this Act prohibits a person from treating ailments by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

(k) Nothing in this Act applies to the practice of massage therapy by a person either actively licensed as a massage therapist in another state or currently certified by the National Certification Board of Therapeutic Massage and Bodywork or other national certifying body if said person's state does not license

massage therapists, if the person performs ~~he or she is performing his or her~~ duties for a Department-approved educational program for less than 30 days in a calendar year, a Department-approved continuing education program for less than 30 days in a calendar year, a non-Illinois based team or professional organization, or for a national athletic event held in this State, so long as the massage therapist ~~he or she~~ restricts the massage therapist's ~~his or her~~ practice to the massage therapist's ~~his or her~~ team or organization or to event participants during the course of the massage therapist's ~~his or her~~ team's or organization's stay in this State or for the duration of the event.
(Source: P.A. 101-421, eff. 8-16-19; 102-20, eff. 1-1-22.)

(225 ILCS 57/30)

(Section scheduled to be repealed on January 1, 2027)

Sec. 30. Title protection.

(a) Persons regulated by this Act are designated as massage therapists and therefore are exclusively entitled to utilize the terms "massage", "massage therapy", "licensed massage therapist", "LMT", "MT", and "massage therapist" when advertising or printing promotional material.

(b) Anyone who knowingly aids and abets one or more persons not authorized to use a professional title regulated by this Act or knowingly employs persons not authorized to use the regulated professional title in the course of their employment, commits a violation of this Act.

(c) Anyone not authorized, under the definitions of this Act, to utilize the term "massage", "massage therapy", "licensed massage therapist", "LMT", "MT", or "massage therapist" and who knowingly utilizes these terms when advertising commits a violation of this Act.

(d) Nothing in this Act shall prohibit the use of the terms "massage", "massage therapy", or "massage therapist" by a salon registered under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, provided that the salon offers massage therapy services in accordance with this Act.
(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/32)

(Section scheduled to be repealed on January 1, 2027)

Sec. 32. Display. Every holder of a license shall display it, or a copy, in a conspicuous place in the holder's principal place of practice and ~~office or~~ any other location where the holder renders massage therapy services, and shall also present the holder's license and either an employer-issued badge that includes the holder's name and a photograph of the holder or a valid government identification that includes a photograph of the holder upon request of a client. A holder shall provide valid government identification that includes a photograph of the holder to a Department representative upon request when providing massage therapist services at any location. Every displayed license shall have the license number visible.
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 57/35)

(Section scheduled to be repealed on January 1, 2027)

Sec. 35. Massage Licensing Board.

(a) The Secretary shall appoint a Massage Licensing Board, which shall serve in an advisory capacity to the Secretary. The Board shall consist of 7 members, of whom 6 shall be practicing massage therapists with at least 3 years of experience in massage. One of the massage therapist members shall represent a massage therapy school from the private sector and one of the massage therapist members shall represent a massage therapy school from the public sector. One of the massage therapist members shall be an owner of a massage business. One member of the Board shall be a member of the public who is not licensed under this Act, does not have any interest in massage therapy schools, does not own a massage therapy business, does not have any interest in businesses related to massage therapy, is not licensed as a healthcare worker in this State, as defined in the Health Care Worker Self-Referral Act, is not licensed under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, and is not licensed under similar Acts in ~~or a similar Act in Illinois or~~ another jurisdiction. Membership on the Board shall reasonably reflect the various massage therapy and non-exempt bodywork organizations. Membership on the Board shall reasonably reflect the geographic areas of the State. The Board shall meet annually to elect a chairperson and vice chairperson. The Board shall hold regularly scheduled meetings during the year. A simple majority of the Board shall constitute a quorum at any meeting. Any action taken by the Board must be on the affirmative vote of a simple majority of members. Voting by proxy shall not be permitted. In the case of an emergency where all Board members cannot meet in person, the Board may convene a meeting via an electronic format in accordance with the Open Meetings Act.

(b) Members shall be appointed to a 3-year term~~, except that initial appointees shall serve the following terms: 2 members shall serve for one year, 2 members shall serve for 2 years, and 3 members shall serve for 3 years~~. A member whose term has expired shall continue to serve until a ~~his or her~~ successor is appointed. No member shall be reappointed to the Board for a term that would cause the member's ~~his or her~~ continuous service on the Board to exceed 9 years. In the case of a Board member position that is vacated before the end of the member's term, an individual may be appointed to serve the unexpired portion of that term, and appointments ~~Appointments~~ to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion of the vacated term.

(c) The members of the Board are entitled to receive compensation for all legitimate and necessary expenses incurred while attending Board and Department meetings.

(d) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(e) The Secretary may ~~shall~~ consider the recommendations of the Board on questions involving the standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act. Nothing shall limit the ability of the Board to provide recommendations to the Secretary with ~~in~~ regard to any matter affecting the administration of this Act. ~~The Secretary shall give due consideration to all recommendations of the Board.~~

(f) The Secretary may terminate the appointment of any member for cause which, in the opinion of the Secretary reasonably justifies termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/45)

(Section scheduled to be repealed on January 1, 2027)

Sec. 45. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action, as the Department considers appropriate, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license or licensee for any one or more of the following:

(1) violations of this Act or of the rules adopted under this Act;

(2) conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony; or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession;

(3) professional incompetence, which may include, but is not limited to, failure of a licensee to adhere to the professional code of ethics established by nationally recognized professional organizations;

(4) advertising in a false, deceptive, or misleading manner, including failing to use the massage therapist's own license number in an advertisement;

(5) aiding, abetting, assisting, procuring, advising, employing, or contracting with any unlicensed person to practice massage contrary to any rules or provisions of this Act;

(6) engaging in immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice;

(7) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(8) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that the licensee ~~he or she~~ is not competent to perform;

(9) knowingly delegating professional responsibilities to a person unqualified by training, experience, or licensure to perform;

(10) failing to provide information in response to a written request made by the Department within 60 days;

(11) having a habitual or excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;

(12) having a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act;

(13) discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(14) a finding by the Department that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status, has violated the terms of probation;

(15) willfully making or filing false records or reports in the person's ~~his or her~~ practice, including, but not limited to, false records filed with State agencies or departments;

(16) making a material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;

(17) fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act;

(18) inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, or a mental illness or disability;

(19) charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered, except that licensees may charge a client fees for late cancellations and failure to attend appointments if the client is informed of the fees for late cancellations and failure to attend appointments at the time of booking an appointment;

(20) practicing under a false or, except as provided by law, an assumed name; or

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

All fines shall be paid within 60 days of the effective date of the order imposing the fine.

(b) A person not licensed under this Act and engaged in the business of offering massage therapy services through others, shall not aid, abet, assist, procure, advise, employ, or contract with any unlicensed person to practice massage therapy contrary to any rules or provisions of this Act. A person violating this subsection (b) shall be treated as a licensee for the purposes of disciplinary action under this Section and shall be subject to cease and desist orders as provided in Section 90 of this Act.

(c) The Department shall revoke any license issued under this Act of any person who is convicted of prostitution, rape, sexual misconduct, or any crime that subjects the licensee to compliance with the requirements of the Sex Offender Registration Act and any such conviction shall operate as a permanent bar in the State of Illinois to practice as a massage therapist.

(c-5) A prosecuting attorney shall provide notice to the Department of the licensed massage therapist's name, address, practice address, and license number and a copy of the criminal charges filed immediately after a licensed massage therapist has been charged with any of the following offenses:

(1) an offense for which the sentence includes registration as a sex offender;

(2) involuntary sexual servitude of a minor;

(3) the crime of battery against a patient, including any offense based on sexual conduct or sexual penetration, in the course of patient care or treatment; or

(4) a forcible felony.

If the victim of the crime the licensee has been charged with is a patient of the licensee, the prosecuting attorney shall also provide notice to the Department of the patient's name.

Within 5 business days after receiving notice from the prosecuting attorney of the filing of criminal charges against the licensed massage therapist, the Secretary shall issue an administrative order that the licensed massage therapist shall practice only with a chaperone during all patient encounters pending the outcome of the criminal proceedings. The chaperone shall be a licensed massage therapist or other health care worker licensed by the Department. The administrative order shall specify any other terms or conditions deemed appropriate by the Secretary. The chaperone shall provide written notice to all of the licensed massage therapist's patients explaining the Department's order to use a chaperone. Each patient shall sign an acknowledgment that the patient received the notice. The notice to the patient of criminal charges shall include, in 14-point font, the following statement: "The massage therapist is presumed innocent until proven guilty of the charges.".

The licensed massage therapist shall provide a written plan of compliance with the administrative order that is acceptable to the Department within 5 business days after receipt of the administrative order. Failure to comply with the administrative order, failure to file a compliance plan, or failure to follow the

compliance plan shall subject the licensed massage therapist to temporary suspension of the licensed massage therapist's ~~his or her~~ license until the completion of the criminal proceedings.

If the licensee is not convicted of the charge or if any conviction is later overturned by a reviewing court, the administrative order shall be vacated and removed from the licensee's record.

The Department may adopt rules to implement this subsection.

(d) The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, to pay the tax, penalty, or interest shown in a filed tax return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(e) (Blank).

(f) In cases where the Department of Healthcare and Family Services has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.

(g) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient.

(h) In enforcing this Act, the Department or Board, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

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

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

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

(Source: P.A. 103-757, eff. 8-2-24; 104-417, eff. 8-15-25.)

(225 ILCS 57/50)

(Section scheduled to be repealed on January 1, 2027)

Sec. 50. Advertising. It is a misdemeanor for any person, organization, or corporation to advertise massage services unless the person providing the service holds a valid license under this Act, except for those excluded licensed professionals who are allowed to include massage in their scope of practice. A massage therapist may not advertise unless the massage therapist ~~he or she~~ has a current license issued by this State. A massage therapist shall include the current license number issued by the Department on all advertisements in accordance with paragraph (4) of subsection (a) of Section 45. "Advertise" as used in this Section includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle, or structure; advertising in any newspaper or magazine; any listing or advertising in any directory under a classification or heading that includes the words "massage", "massage therapist", "therapeutic massage", or "massage therapeutic"; or commercials broadcast by any means.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 57/68)

(Section scheduled to be repealed on January 1, 2027)

Sec. 68. Abnormal skin growth education.

(a) In addition to any other requirements under this Act, the following applicants must provide proof of completion of a course approved by the Department in abnormal skin growth education, including training on identifying melanoma:

(1) An applicant who submits an application for original licensure on or after January 1, 2026.

(2) An applicant who was licensed before January 1, 2026 when submitting the applicant's first application for renewal or restoration of a license on or after January 1, 2026.

(b) Nothing in this Section shall be construed to create a cause of action or any civil liabilities or to require or permit a licensee or applicant under this Act to practice medicine or otherwise practice outside of the scope of practice of a licensed massage therapist.

(c) A person licensed under this Act may refer an individual to seek care from a medical professional regarding an abnormal skin growth. Neither a person licensed under this Act who completes abnormal skin growth education ~~as a part of the person's continuing education~~, nor the person's employer, shall be civilly or criminally liable for acting in good faith or failing to act on information obtained during the course of practicing in the person's profession or employment concerning potential abnormal skin growths.

(Source: P.A. 103-851, eff. 8-9-24.)

(225 ILCS 57/70)

(Section scheduled to be repealed on January 1, 2027)

Sec. 70. Restoration of expired licenses. A massage therapist who has permitted the massage therapist's ~~his or her~~ license to expire or who has had the massage therapist's ~~his or her~~ license on inactive status may have the ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of the massage therapist's ~~his or her~~ fitness to have the ~~his or her~~ license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, and by paying the required restoration fee and showing proof of completion of required continuing education. Licensees must provide proof of completion of 25 ~~24~~ hours approved continuing education to renew their license.

If the massage therapist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the massage therapist's ~~his or her~~ fitness to resume active status and may require the massage therapist to complete a period of evaluated clinical experience and may require successful completion of an examination.

A massage therapist whose license has been expired or placed on inactive status for more than 5 years may have the ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of the massage therapist's ~~his or her~~ fitness to have the ~~his or her~~ license restored, including sworn evidence certifying to active practice in another jurisdiction, by paying the required restoration fee, and by showing proof of the completion of 25 ~~24~~ hours of continuing education.

However, any massage therapist ~~registrant~~ whose license has expired while the massage therapist ~~he or she~~ has been engaged (i) in Federal Service on active duty with the United States Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, or Public Health Service or the State Militia called into the service or training of the United States of America, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have the massage therapist's ~~his or her~~ license reinstated or restored without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, the massage therapist ~~he or she~~ furnishes to the

Department with satisfactory evidence to the effect that the massage therapist ~~he or she~~ has been so engaged and that the massage therapist's ~~his or her~~ service, training, or education has been so terminated.
(Source: P.A. 103-746, eff. 1-1-25.)

(225 ILCS 57/75)

(Section scheduled to be repealed on January 1, 2027)

Sec. 75. Inactive licenses. Any massage therapist who notifies the Department in writing or electronically on forms provided ~~prescribed~~ by the Department may elect to place the massage therapist's ~~his or her~~ license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the massage therapist ~~he or she~~ notifies the Department in writing of the massage therapist's ~~his or her~~ desire to resume active status.

A massage therapist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the massage therapist's ~~his or her~~ license as provided in Section 70 of this Act.

Any massage therapist whose license is on inactive status shall not practice massage therapy in the State, and any practice conducted shall be deemed unlicensed practice.
(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/90)

(Section scheduled to be repealed on January 1, 2027)

Sec. 90. Violations; injunction; cease and desist order.

(a) If any person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney in the county in which the offense occurs, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person administers ~~practices as a~~ massage for compensation ~~therapist~~ or holds oneself ~~himself or herself~~ out as a massage therapist without being licensed under the provisions of this Act, then the Secretary, any licensed massage therapist, any interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section or may apply to the circuit court of the county in which the violation or some part thereof occurred, or in which the person complained of has his or her principal place of business or resides, to prevent the violation. The court has jurisdiction to enforce obedience by injunction or by other process restricting the person complained of from further violation and enjoining upon the person's ~~him or her~~ obedience.

(c) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person ~~him or her~~. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.
(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/95)

(Section scheduled to be repealed on January 1, 2027)

Sec. 95. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render massage therapy services or any person holding or claiming to hold a license as a massage therapist. The Department shall, before refusing to issue or renew a license or to discipline a licensee under Section 45, at least 30 days prior to the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused ~~him or her~~ to file a written answer with the Department under oath within 20 days after the service of the notice, and (iii) inform the accused ~~applicant or licensee~~ that failure to file an answer will result in a default judgment being entered against the accused ~~applicant or licensee~~. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties of their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, the ~~his or her~~ license may, in the discretion of the Department, be revoked, suspended, placed on probationary status, or the Department may take whatever disciplinary actions

considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The written notice may be served by personal delivery, by ~~certified~~ mail to the accused's address of record, or by email to the accused's email address of record.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 57/100)

(Section scheduled to be repealed on January 1, 2027)

Sec. 100. Record of proceedings ~~Stenographer~~; transcript. The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the formal hearing of any case. Any notice, all documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, reports of the Board and hearing officer, and orders of the Department shall be in the record of the proceeding. The record may be made available to any person interested in the hearing upon the payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. The Department may contract for court reporting services, and, in the event it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon the payment of the fee specified by the certified shorthand reporter. This charge shall be in addition to any fee charged by the Department for certifying the record.

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/105)

(Section scheduled to be repealed on January 1, 2027)

Sec. 105. Subpoenas; depositions; oaths.

(a) The Department may subpoena and bring before it any person to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or the Secretary's ~~his or her~~ designee deems relevant or material to any such investigation or hearing conducted by the Department with the same fees and in the same manner as prescribed in civil cases in the courts of this State.

(b) Any circuit court, upon the application of the licensee or the Department, may order the attendance and testimony of witnesses and the production of relevant documents, files, records, books, and papers in connection with any hearing or investigation. The circuit court may compel obedience to its order by proceedings for contempt.

(c) The Secretary, the hearing officer, any member of the Board, or a certified shorthand court reporter may administer oaths at any hearing the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents, or records shall be in accordance with this Act.

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/165)

(Section scheduled to be repealed on January 1, 2027)

Sec. 165. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself ~~himself or herself~~ out to practice massage therapy or as a massage therapist without being licensed under this Act, or any person not licensed under this Act who aids, abets, assists, procures, advises, employs, or contracts with any unlicensed person to practice massage therapy contrary to any rules or provisions of this Act, shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each violation of this Act as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(d) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 97-514, eff. 8-23-11.)

Section 25. The Medical Practice Act of 1987 is amended by changing Sections 5, 7.1, 9, 9.3, 9.5, 9.7, 11, 15, 17, 18, 21, 22, 22.2, 23, 26, 36, 37, 38, 40, 44, 49, 54, 54.2, 54.5, 58, and 66 and by adding Section 70 as follows:

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

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Because the candid and conscientious evaluation of clinical practices is essential to the provision of adequate health care, it is the policy of this State to encourage peer review by health care providers. Therefore, while serving upon any committee whose purpose, directly or indirectly, is internal quality control or medical study to reduce morbidity or mortality, or for improving patient care or physician services within a hospital duly licensed under the Hospital Licensing Act, or within a professional association of persons licensed under this Act, or the improving or benefiting of patient care and treatment whether within a hospital or not, or for the purpose of professional discipline, any person serving on such committee, and any person providing service to such committees, shall not be liable for civil damages as a result of their acts, omissions, decisions, or any other conduct in connection with their duties on such committees, except those involving willful ~~wilful~~ or wanton misconduct.

Information considered shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the "Code of Civil Procedure~~", as now or hereafter amended~~.

(Source: P.A. 85-1209; revised 6-24-25.)

(225 ILCS 60/7.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 7.1. Medical Board.

(A) There is hereby created the Illinois State Medical Board. The Medical Board shall advise the Secretary. The Medical Board shall consist of 17 members, to be appointed by the Governor by and with the advice and consent of the Senate. All members shall be residents of the State, not more than 8 of whom shall be members of the same political party. All members shall be voting members. Eight members shall be physicians licensed to practice medicine in all of its branches in Illinois possessing the degree of doctor of medicine. Two members shall be physicians licensed to practice medicine in all its branches in Illinois possessing the degree of doctor of osteopathy or osteopathic medicine. Two of the physician members shall be physicians who collaborate with physician assistants. Two members shall be chiropractic physicians licensed to practice in Illinois and possessing the degree of doctor of chiropractic. Two members shall be physician assistants licensed to practice in Illinois. Three members shall be members of the public, who shall not be engaged in any way, directly or indirectly, as providers of health care.

(B) Members of the Medical Board shall be appointed for terms of 4 years. Upon the expiration of the term of any member, their successor shall be appointed for a term of 4 years by the Governor by and with the advice and consent of the Senate. The Governor shall fill any vacancy for the remainder of the unexpired term with the advice and consent of the Senate. Upon recommendation of the Medical Board, any member of the Medical Board may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty, after notice, and a public hearing, unless such notice and hearing shall be expressly waived in writing. Each member shall serve on the Medical Board until their successor is appointed and qualified. No member of the Medical Board shall serve more than 2 consecutive 4-year terms.

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

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

(C) The Medical Board shall annually elect one of its voting members as chairperson and one as vice chairperson. No officer shall be elected more than twice in succession to the same office. Each officer shall serve until their successor has been elected and qualified.

(D) A majority of the Medical Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Medical Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Medical Board. Any action taken by the Medical Board under this Act may be authorized by resolution at any regular or special meeting and each such resolution shall take effect immediately. The Medical Board shall meet at least quarterly.

(E) Each member shall be paid their necessary expenses while engaged in the performance of their duties.

(F) The Secretary shall select a Chief Medical Coordinator and not less than 2 Deputy Medical Coordinators who shall not be members of the Medical Board. Each medical coordinator shall be a physician licensed to practice medicine in all of its branches, and the Secretary shall set their rates of compensation. The Secretary shall assign at least one medical coordinator to a region composed of Cook County and such other counties as the Secretary may deem appropriate, and such medical coordinator or coordinators shall locate their office in Chicago. The Secretary shall assign at least one medical coordinator to a region composed of the balance of counties in the State, and such medical coordinator or coordinators shall locate their office in Springfield. The Chief Medical Coordinator shall be the chief enforcement officer of this Act. None of the functions, powers, or duties of the Department with respect to policies regarding enforcement or discipline under this Act, including the adoption of such rules as may be necessary for the administration of this Act, shall be exercised by the Department except upon review of the Medical Board.

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

(H) Upon the specific request of the Medical Board, signed by either the chairperson, vice chairperson, or a medical coordinator of the Medical Board, the Department of Human Services, the Department of Healthcare and Family Services, the Illinois ~~Department of~~ State Police, or any other law enforcement agency located in this State shall make available any and all information that they have in their possession regarding a particular case then under investigation by the Medical Board.

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

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

(Source: P.A. 102-20, eff. 1-1-22.)

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

(Section scheduled to be repealed on January 1, 2027)

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

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

(B) Submit evidence satisfactory to the Department that the applicant:

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

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

(3) (blank); and

(4) is physically, mentally, and professionally capable of practicing medicine with reasonable judgment, skill, and safety. In determining physical and mental capacity under this Section, the Medical Board may, upon a showing of a possible incapacity or conduct or activities that would constitute grounds for discipline under this Act, compel any applicant to submit to a mental or physical examination and evaluation, or both, as provided for in Section 22 of this Act. The Medical Board may condition or restrict any license, subject to the same terms and conditions as are provided for the Medical Board under Section 22 of this Act. Any such condition of a restricted license shall provide that the Chief Medical Coordinator or Deputy Medical Coordinator shall have the authority to review the subject physician's compliance with such conditions or restrictions, including, where appropriate, the physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records of

patients. The Medical Board, in determining mental capacity, shall consider the latest recommendations of the Federation of State Medical Boards.

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

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

(2) Specialized training or education.

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

(4) Participation in federal, State, local, or international public health programs or organizations.

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

(5.5) Successful completion of a re-entry course.

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

Any applicant applying for a license to practice medicine in all of its branches or for a license as a chiropractic physician who has not been engaged in the active practice of medicine or has not been enrolled in a medical program for 2 years prior to application must submit proof of professional capacity to the Medical Board.

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

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

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

(E) Pursuant to Department rules, as required, pass an examination authorized by the Department to determine the applicant's fitness to receive a license.

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

(Source: P.A. 102-20, eff. 1-1-22; 103-442, eff. 1-1-24.)

(225 ILCS 60/9.3)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9.3. Withdrawal of application. Any applicant applying for a license or permit under this Act may withdraw the applicant's ~~his or her~~ application at any time. If an applicant withdraws the applicant's ~~his or her~~ application after receipt of a written Notice of Intent to Deny License or Permit, then the withdrawal shall be reported to the Federation of State Medical Boards.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 60/9.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9.5. Social Security Number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number or individual taxpayer identification number~~,~~ which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or reinstated license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12; 98-1140, eff. 12-30-14.)

(225 ILCS 60/9.7)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9.7. Criminal history records background check. Each applicant for licensure or permit under Sections 9, 15.5, 18, and 19 shall have the applicant's ~~his or her~~ fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing

criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Illinois State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a Department designated or approved vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide the applicant's ~~his or her~~ fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

(Source: P.A. 102-538, eff. 8-20-21.)

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

(Section scheduled to be repealed on January 1, 2027)

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

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

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

(a) that the applicant is a graduate of a medical or osteopathic college in the United States or~~,~~ its territories and ~~or Canada,~~ that the applicant has completed a 2-year ~~2 year~~ course of instruction in a college of liberal arts, or its equivalent, and a course of instruction in a medical or osteopathic college approved by the Department or by a private, not-for-profit ~~not for profit~~ accrediting body approved by the Department, and in addition thereto, a course of postgraduate clinical training of not less than 12 months as approved by the Department; or

(b) that the applicant is a graduate of a medical or osteopathic college located outside the United States or~~,~~ its territories ~~or Canada,~~ and that the degree conferred is officially recognized by the country for the purposes of licensure, that the applicant has completed a 2-year ~~2 year~~ course of instruction in a college of liberal arts or its equivalent, and a course of instruction in a medical or osteopathic college approved by the Department, which course shall have been not less than 132 weeks in duration and shall have been completed within a period of not less than 35 months, and, in addition thereto, has completed a course of postgraduate clinical training of not less than 12 months, as approved by the Department, and has complied with any other standards established by rule.

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

(c) that the applicant has studied medicine at a medical or osteopathic college located outside the United States or~~,~~ its territories and ~~, or Canada,~~ that the applicant has completed a 2-year ~~2 year~~ course of instruction in a college of liberal arts or its equivalent and all of the formal requirements of a foreign medical school except internship and social service, which course shall have been not less than 132 weeks in duration and shall have been completed within a period of not less than 35 months; that the applicant has submitted an application to a medical college accredited by the Liaison Committee on Medical Education and submitted to such evaluation procedures, including use of nationally recognized medical student tests or tests devised by the individual medical college, and that the applicant has satisfactorily completed one academic year of supervised clinical training under the direction of such medical college; and, in addition thereto has completed a course of postgraduate clinical training of not less than 12 months, as approved by the Department, and has complied with any other standards established by rule.

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

(2) Effective January 1, 1988, for applications for licensure made subsequent to January 1, 1988, under Sections 9 or 17 of this Act by individuals not described in paragraph (3) of subsection (A) of Section 11 who graduated after December 31, 1984:

(a) that the applicant: (i) graduated from a medical or osteopathic college officially recognized by the jurisdiction in which it is located for the purpose of receiving a license to practice medicine in all of its branches, and the applicant has completed, as defined by the Department, a 6-year ~~6 year~~ postsecondary course of study comprising at least 2 academic years of study in the basic medical sciences; and 2 academic years of study in the clinical sciences, while enrolled in the medical college which conferred the degree, the core rotations of which must have been completed in clinical teaching facilities owned, operated or formally affiliated with the medical college which conferred the degree, or under contract in teaching facilities owned, operated or affiliated with another medical college which is officially recognized by the jurisdiction in which the medical school which conferred the degree is located; or (ii) graduated from a medical or osteopathic college accredited by the Liaison Committee on Medical Education, the Committee on Accreditation of Canadian Medical Schools in conjunction with the Liaison Committee on Medical Education, or the Bureau of Professional Education of the American Osteopathic Association; and, (iii) in addition thereto, has completed 24 months of postgraduate clinical training, as approved by the Department; or

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

(3) (Blank).

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

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

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

(1) For an applicant who was a resident student and who is a graduate after July 1, 1926, of a chiropractic college or institution, that such school, college or institution, at the time of the applicant's graduation required as a prerequisite to admission thereto a 4-year ~~4 year~~ course of instruction in a high school, and, as a prerequisite to graduation therefrom, a course of instruction in the treatment of human ailments, of not less than 132 weeks in duration and which shall have been completed within a period of not less than 35 months except that as to students matriculating or entering upon a course of chiropractic study during the years 1940, 1941, 1942, 1943, 1944, 1945, 1946, and 1947, such elapsed time shall be not less than 32 months, such high school and such school, college or institution having been reputable and in good standing in the judgment of the Department.

(2) For an applicant who is a matriculant in a chiropractic college after September 1, 1969, that such applicant shall be required to complete a 2-year ~~2 year~~ course of instruction in a liberal arts college or its equivalent and a course of instruction in a chiropractic college in the treatment of human ailments, such course, as a prerequisite to graduation therefrom, having

been not less than 132 weeks in duration and shall have been completed within a period of not less than 35 months, such college of liberal arts and chiropractic college having been reputable and in good standing in the judgment of the Department.

(3) For an applicant who is a graduate of a United States chiropractic college after August 19, 1981, the college of the applicant must be fully accredited by the Commission on Accreditation of the Council on Chiropractic Education or its successor at the time of graduation. Such graduates shall be considered to have met the minimum requirements which shall be in addition to those requirements set forth in the rules and regulations promulgated by the Department.

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

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

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

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Chiropractic physician; license for general practice. Any chiropractic physician licensed under this Act shall be permitted to take the examination for licensure as a physician to practice medicine in all its branches and shall receive a license to practice medicine in all of its branches if the chiropractic physician ~~he or she~~ shall successfully pass such examination, upon proof of having successfully completed in a medical college, osteopathic college or chiropractic college reputable and in good standing in the judgment of the Department, courses of instruction in materia medica, therapeutics, surgery, obstetrics, and theory and practice deemed by the Department to be equal to the courses of instruction required in those subjects for admission to the examination for a license to practice medicine in all of its branches, together with proof of having completed (a) the 2-year ~~2 year~~ course of instruction in a college of liberal arts, or its equivalent, required under this Act, and (b) a course of postgraduate clinical training of not less than 24 months as approved by the Department.

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

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

(Section scheduled to be repealed on January 1, 2027)

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

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

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

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

(D) Is physically, mentally, and professionally capable of practicing medicine or treating human ailments without the use of drugs and without operative surgery with reasonable judgment, skill, and safety. In determining physical, mental and professional capacity under this Section, the Medical Board may, upon a showing of a possible incapacity, compel an applicant to submit to a mental or physical examination and evaluation, or both, and may condition or restrict any temporary license, subject to the same terms and conditions as are provided for the Medical Board under Section 22 of this Act. Any such condition of restricted temporary license shall provide that the Chief Medical Coordinator or Deputy Medical Coordinator shall have the authority to review the subject physician's

compliance with such conditions or restrictions, including, where appropriate, the physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records of patients.

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

A 3-year temporary license may be revoked or suspended by the Department upon proof that the holder thereof has engaged in the practice of medicine in this State outside of the program of the holder's ~~his or her~~ residency or specialty training, or if the holder shall fail to supply the Department, within 10 days of its request, with information as to the holder's ~~his or her~~ current status and activities in his or her specialty training program. Such a revocation or suspension shall comply with the procedures set forth in subsection (d) of Section 37 of this Act.

(Source: P.A. 102-20, eff. 1-1-22.)

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

(Section scheduled to be repealed on January 1, 2027)

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

(A) Visiting professor permit.

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

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

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

(c) the Department may prescribe the information necessary to establish an applicant's eligibility for a permit. This information shall include, without limitation: (i) a statement from the dean of the medical school at which the applicant will be employed describing the applicant's qualifications and (ii) a statement from the dean of the medical school listing every affiliated institution in which the applicant will be providing instruction as part of the medical school's education program and justifying any clinical activities at each of the institutions listed by the dean.

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

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

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

(5) Persons holding a permit under this Section shall only practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery in the State of Illinois in their official capacity under their contract within the medical school itself and any affiliated institution in which the permit holder is providing instruction as part of the medical school's educational program and for which the medical school has assumed direct responsibility.

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

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

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

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

(B) Visiting physician permit.

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

(a) (blank);

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

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

(d) that the temporary visiting physician permit shall only permit the holder to practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery within the scope of the medical, osteopathic, chiropractic, or clinical studies, or in conjunction with the state or national medical, osteopathic, or chiropractic professional association or society conference or meeting, for which the holder was invited or appointed.

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

(3) A temporary visiting physician permit shall be valid for no longer than (i) 180 days from the date of issuance or (ii) until the time the medical, osteopathic, chiropractic, or clinical studies are completed, or the state or national medical, osteopathic, or chiropractic professional association or society conference or meeting has concluded, whichever occurs first. The temporary visiting physician permit may be issued multiple times to a visiting physician under this paragraph (3) as long as the total number of days it is active does not exceed 180 days within a 365-day period.

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

(5) A limited temporary visiting physician permit shall be issued to a physician licensed in another state who has been requested to perform emergency procedures in Illinois if the physician ~~he or she~~ meets the requirements as established by rule.

(C) Visiting resident permit.

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

(a) (blank);

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

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

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

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

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

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

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

(D) Postgraduate training exemption period; visiting rotations. A person may participate in visiting rotations in an approved postgraduate training program, not to exceed a total of 90 days for all rotations, if the following information is submitted in writing or electronically to the Department by the patient care clinics or facilities where the person will be performing the training or by an affiliated program:

(1) The person who has been invited or appointed to perform a portion of their postgraduate clinical training program in Illinois.

(2) The name and address of the primary patient care clinic or facility, the date the training is to begin, and the length of time of the invitation or appointment.

(3) The name and license number of the Illinois physician who will be responsible for supervising the trainee and the medical director or division director of the department or facility.

(4) Certification from the postgraduate training program that the person is approved and enrolled in a graduate training program approved by the Department in their home state.

(Source: P.A. 103-551, eff. 8-11-23; 104-417, eff. 8-15-25.)

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

(Section scheduled to be repealed on January 1, 2027)

Sec. 21. License renewal; reinstatement; inactive status; disposition and collection of fees.

(A) Renewal. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license by paying the required fee. The holder of a license may also renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

The Department shall attempt to provide through electronic means to each licensee under this Act, at least 60 days in advance of the expiration date of the ~~his or her~~ license, a renewal notice. No such license shall be deemed to have lapsed until 90 days after the expiration date and after the Department has attempted to provide such notice as herein provided.

(B) Reinstatement. Any licensee who has permitted the licensee's ~~his or her~~ license to lapse or who has had the licensee's ~~his or her~~ license on inactive status may have the licensee's ~~his or her~~ license reinstated by making application to the Department and filing proof acceptable to the Department of the licensee's ~~his or her~~ fitness to have the license reinstated, including evidence certifying to active practice in another jurisdiction satisfactory to the Department, proof of meeting the continuing education requirements for one renewal period, and by paying the required reinstatement fee.

If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, the Medical Board shall determine, by an evaluation program established by rule, the applicant's fitness to resume active status and may require the licensee to complete a period of evaluated clinical experience and may require successful completion of a practical examination specified by the Medical Board.

However, any registrant whose license has expired while the registrant ~~he or she~~ has been engaged (a) in Federal Service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, the Public Health Service or the State Militia called into the service or training of the United States of America, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have the registrant's ~~his or her~~ license reinstated without paying any lapsed renewal fees, if within 2 years after honorable termination of such

service, training, or education, the registrant ~~he or she~~ furnishes to the Department with satisfactory evidence to the effect that the registrant ~~he or she~~ has been so engaged and that the registrant's ~~his or her~~ service, training, or education has been so terminated.

(C) Inactive licenses. Any licensee who notifies the Department, in writing on forms prescribed by the Department, may elect to place the licensee's ~~his or her~~ license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the licensee ~~he or she~~ notifies the Department in writing of his or her desire to resume active status.

Any licensee requesting reinstatement from inactive status shall be required to pay the current renewal fee, provide proof of meeting the continuing education requirements for the period of time the license is inactive not to exceed one renewal period, and shall be required to reinstate the licensee's ~~his or her~~ license as provided in subsection (B).

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(D) Disposition of monies collected. All monies collected under this Act by the Department shall be deposited into ~~in~~ the Illinois State Medical Disciplinary Fund in the State treasury ~~Treasury~~, and used only for the following purposes: (a) by the Medical Board in the exercise of its powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the Medical Board, (b) for costs directly related to persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

All earnings received from investment of monies in the Illinois State Medical Disciplinary Fund shall be deposited into ~~in~~ the Illinois State Medical Disciplinary Fund and shall be used for the same purposes as fees deposited into ~~in~~ such Fund.

(E) Fees. The following fees are nonrefundable.

(1) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(2) Before July 1, 2018, the fee for a license under Section 9 of this Act is $700. Beginning on July 1, 2018, the fee for a license under Section 9 of this Act is $500.

(3) Before July 1, 2018, the fee for a license under Section 19 of this Act is $700. Beginning on July 1, 2018, the fee for a license under Section 19 of this Act is $500.

(4) Before July 1, 2018, the fee for the renewal of a license for a resident of Illinois shall be calculated at the rate of $230 per year, and beginning on July 1, 2018 and until January 1, 2020, the fee for the renewal of a license shall be $167, except for licensees who were issued a license within 12 months of the expiration date of the license, before July 1, 2018, the fee for the renewal shall be $230, and beginning on July 1, 2018 and until January 1, 2020 that fee will be $167. Before July 1, 2018, the fee for the renewal of a license for a nonresident shall be calculated at the rate of $460 per year, and beginning on July 1, 2018 and until January 1, 2020, the fee for the renewal of a license for a nonresident shall be $250, except for licensees who were issued a license within 12 months of the expiration date of the license, before July 1, 2018, the fee for the renewal shall be $460, and beginning on July 1, 2018 and until January 1, 2020 that fee will be $250. Beginning on January 1, 2020, the fee for renewal of a license for a resident or nonresident is $181 per year.

(5) The fee for the reinstatement of a license other than from inactive status, is $230. In addition, payment of all lapsed renewal fees not to exceed $1,400 is required.

(6) The fee for a 3-year temporary license under Section 17 is $230.

(7) The fee for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no updated license is issued.

(8) The fee to be paid for a license record for any purpose is $20.

(9) The fee to be paid to have the scoring of an examination, administered by the Department, reviewed and verified, is $20 plus any fees charged by the applicable testing service.

(F) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or permit or deny the application, without hearing. If, after termination or denial, the person seeks a license or permit, the person ~~he or she~~ shall apply to the Department for reinstatement or issuance of the license or permit and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for reinstatement of a license or permit to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 101-316, eff. 8-9-19; 101-603, eff. 1-1-20; 102-20, eff. 1-1-22.)

(225 ILCS 60/22)

(Section scheduled to be repealed on January 1, 2027)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regard to the license or permit of any person issued under this Act, including imposing fines not to exceed $10,000 for each violation, upon any of the following grounds:

(1) (Blank).

(2) (Blank).

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

(4) Gross negligence in practice under this Act.

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

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

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

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

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

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

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

(12) Adverse action taken by another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine, or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof. This includes any adverse action taken by a State or federal agency that prohibits a medical doctor, doctor of osteopathy, doctor of osteopathic medicine, or doctor of chiropractic from providing services to the agency's participants.

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

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

(15) A finding by the Medical Board that the registrant after having the registrant's ~~his or her~~ license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

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

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

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

(20) Immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct or sexual harassment related to the licensee's practice. For the purpose of this paragraph (20), "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or nonverbal conduct of a sexual nature.

(21) Willfully making or filing false records or reports in the person's ~~his or her~~ practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Willful omission to file or record, or willfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or willfully failing to report an instance of suspected abuse or neglect as required by law.

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

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

(25) Gross, ~~and~~ willful, and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

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

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

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

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

(30) Willfully or negligently violating the confidentiality between physician and patient except as required by law.

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

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

(33) Violating State or federal laws or regulations relating to controlled substances, legend drugs, or ephedra as defined in the Ephedra Prohibition Act.

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

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in

another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

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

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

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

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

(40) (Blank).

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

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

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

(44) Violating the Compassionate Use of Medical Cannabis Program Act.

(45) Entering into an excessive number of written collaborative agreements with licensed prescribing psychologists resulting in an inability to adequately collaborate.

(46) Repeated failure to adequately collaborate with a licensed prescribing psychologist.

(47) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

(48) Being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(49) Entering into an excessive number of written collaborative agreements with licensed physician assistants resulting in an inability to adequately collaborate.

(50) Repeated failure to adequately collaborate with a physician assistant.

All proceedings to take disciplinary action as the Department may deem proper, with regard to a license, must be commenced within 5 years after the date of the Department's receipt of a complaint alleging the commission of or notice of a conviction order for any of the violations described herein. Ground number (26) is exempt from this 5-year limitation. No action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. Ground numbers (8), (9), (26), and (29) are exempt from this 10-year limitation. ~~Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred, or a report pursuant to Section 23 of this Act received, within the 10 year period preceding the filing of the complaint.~~ In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action, or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall be exempt from the 10-year limitation and shall have 5 years from receipt of the report ~~have an additional period of 2 years from the date of notification to the Department~~ under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

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

may resume ~~his or her~~ practice only upon the entry of a Departmental order based upon a finding by the Medical Board that the person has been determined to be recovered from mental illness by the court and upon the Medical Board's recommendation that the person be permitted to resume ~~his or her~~ practice.

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

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

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

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

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

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

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

In enforcing this Section, the Medical Board, upon a showing of a possible violation, may compel any individual who is licensed to practice under this Act or holds a permit to practice under this Act, or any individual who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination and evaluation, or both, which may include a substance abuse or sexual offender evaluation, as required by the Medical Board and at the expense of the Department. The Medical Board shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation, or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing. The Medical Board or the Department may order the examining physician or any member of the multidisciplinary team to provide to the Department or the Medical Board any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Medical Board or the Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee, permit holder, or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee, permit holder, or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee, permit holder, or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination and evaluation, or both, when directed, shall result in an automatic suspension, without hearing, until such time as the individual submits to the examination. If the Medical Board finds a physician unable to practice following an examination and evaluation because of the reasons set forth in this Section, the Medical Board shall require such physician to submit to care, counseling, or treatment by physicians, or other health care professionals, approved or designated by the Medical Board, as a condition for issued, continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Section 9, 17, or 19 of this Act~~,~~ or, continued, reinstated, renewed, disciplined, or supervised, subject to such terms, conditions, or restrictions who shall fail to comply with such terms, conditions, or restrictions, or to complete a required program of

care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have the licensee's ~~his or her~~ license suspended immediately, pending a hearing by the Medical Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Medical Board within 15 days after such suspension and completed without appreciable delay. The Medical Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Medical Board that the individual ~~he or she~~ can resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's ~~his or her~~ license.

The Medical Board, in determining mental capacity of an individual licensed under this Act, shall consider the latest recommendations of the Federation of State Medical Boards.

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

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

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

(C) The Department shall not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act:

(1) based solely upon the recommendation of the person to an eligible patient regarding, or prescription for, or treatment with, an investigational drug, biological product, or device;

(2) for experimental treatment for Lyme disease or other tick-borne diseases, including, but not limited to, the prescription of or treatment with long-term antibiotics;

(3) based solely upon the person providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state; or

(4) based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely on the person violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the applicable standard of conduct for the person practicing in Illinois under this Act.

(D) (Blank).

(E) The conduct specified in subsection (C) shall not trigger reporting requirements under Section 23, constitute grounds for suspension under Section 25, or be included on the physician's profile required under Section 10 of the Patients' Right to Know Act.

(F) An applicant seeking licensure, certification, or authorization pursuant to this Act and who has been subject to disciplinary action by a duly authorized professional disciplinary agency of another jurisdiction solely on the basis of having provided, authorized, recommended, aided, assisted, referred for, or otherwise participated in health care shall not be denied such licensure, certification, or authorization, unless the Department determines that the action would have constituted professional misconduct in this State; however, nothing in this Section shall be construed as prohibiting the Department from evaluating the conduct of the applicant and making a determination regarding the licensure, certification, or authorization to practice a profession under this Act.

(G) The Department may adopt rules to implement, administer, and enforce this Section ~~Public Act 102-1117~~.

(Source: P.A. 103-442, eff. 1-1-24; 104-417, eff. 8-15-25; 104-432, eff. 1-1-26; revised 9-15-25.)

(225 ILCS 60/22.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 22.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in this Section 22.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with the licensee's ~~his or her~~ license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing medicine through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act;

(2) the entity is organized under the Medical Corporation Act, the Professional Services Corporation Act, the Professional Association Act, or the Professional Limited Liability Company Act;

(3) the entity is allowed by Illinois law to provide physician services or employ physicians such as a licensed hospital or hospital affiliate or licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians;

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c); or

(5) the entity is an Illinois not-for-profit ~~not for profit~~ corporation that is recognized as exempt from the payment of federal income taxes as an organization described in Section 501(c)(3) of the Internal Revenue Code and all of its members are full-time faculty members of a medical school that offers an ~~a~~ M.D. degree program that is accredited by the Liaison Committee on Medical Education and a program of graduate medical education that is accredited by the Accreditation Council for Graduate Medical Education.

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(i) the licensee or the licensee's practice under subsection (c) of this Section at all times controls the amount of fees charged and collected; and

(ii) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c), a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of

the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) A violation of any of the provisions of this Section constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Section. This subsection does not apply to hospitals and hospital affiliates licensed in Illinois.

(Source: P.A. 100-1058, eff. 1-1-19.)

(225 ILCS 60/23) (from Ch. 111, par. 4400-23)

(Section scheduled to be repealed on January 1, 2027)

Sec. 23. Reports relating to professional conduct and capacity.

(A) Entities required to report.

(1) Health care institutions. The chief administrator or executive officer of any health care institution licensed by the Illinois Department of Public Health shall report to the Medical Board when any person's clinical privileges are terminated or are restricted based on a final determination made in accordance with that institution's by-laws or rules and regulations that a person has either committed an act or acts which may directly threaten patient care or that a person may have a mental or physical disability that may endanger patients under that person's care. Such officer also shall report if a person accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon conduct related directly to patient care or in lieu of formal action seeking to determine whether a person may have a mental or physical disability that may endanger patients under that person's care. The Medical Board shall, by rule, provide for the reporting to it by health care institutions of all instances in which a person, licensed under this Act, who is impaired by reason of age, drug or alcohol abuse, or physical or mental impairment, is under supervision and, where appropriate, is in a program of rehabilitation. Such reports shall be strictly confidential and may be reviewed and considered only by the members of the Medical Board, or by authorized staff as provided by rules of the Medical Board. Provisions shall be made for the periodic report of the status of any such person not less than twice annually in order that the Medical Board shall have current information upon which to determine the status of any such person. Such initial and periodic reports of impaired physicians shall not be considered records within the meaning of the State Records Act and shall be disposed of, following a determination by the Medical Board that such reports are no longer required, in a manner and at such time as the Medical Board shall determine by rule. The filing of such reports shall be construed as the filing of a report for purposes of subsection (C) of this Section. Such health care institution shall not take any adverse action, including, but not limited to, restricting or terminating any person's clinical privileges, as a result of an adverse action against a person's license, registration, permit, or clinical privileges or other disciplinary action by another state or health care institution that resulted from the person's provision of, authorization of, recommendation of, aiding or assistance with, referral for, or participation in any health care service if the adverse action was based solely on a violation of the other state's law prohibiting the provision of such health care and related services in the state or for a resident of the state if that health care service would not have been unlawful under the laws of this State and is consistent with the applicable standard of conduct for a person practicing in Illinois under this Act.

(1.5) Clinical training programs. The program director of any post-graduate clinical training program shall report to the Medical Board if a person engaged in a post-graduate clinical training program at the institution, including, but not limited to, a residency or fellowship, separates from the program for any reason prior to its conclusion. The program director shall provide all documentation relating to the separation if, after review of the report, the Medical Board determines that a review of those documents is necessary to determine whether a violation of this Act occurred.

(2) Professional associations. The President or chief executive officer of any association or society, of persons licensed under this Act, operating within this State shall report to the Medical Board when the association or society renders a final determination that a person has committed unprofessional conduct related directly to patient care or that a person may have a mental or physical disability that may endanger patients under that person's care.

(3) Professional liability insurers. Every insurance company which offers policies of professional liability insurance to persons licensed under this Act, or any other entity which seeks to indemnify the professional liability of a person licensed under this Act, shall report to the Medical

Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action, which alleged negligence in the furnishing of medical care by such licensed person when such settlement or final judgment is in favor of the plaintiff. Such insurance company shall not take any adverse action, including, but not limited to, denial or revocation of coverage, or rate increases, against a person authorized to practice under this Act with respect to coverage for services provided in the State if based solely on the person providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in health care services in this State in violation of another state's law, or a revocation or other adverse action against the person's license, registration, or permit in another state for violation of such law if that health care service as provided would have been lawful and consistent with the applicable standard of conduct for a person practicing in Illinois under this Act. Notwithstanding this provision, it is against public policy to require coverage for an illegal action.

(4) State's Attorneys. The State's Attorney of each county shall report to the Medical Board, within 5 days, any instances in which a person licensed under this Act is convicted of any felony or Class A misdemeanor.

(5) State agencies. All agencies, boards, commissions, departments, or other instrumentalities of the government of the State of Illinois shall report to the Medical Board any instance arising in connection with the operations of such agency, including the administration of any law by such agency, in which a person licensed under this Act has either committed an act or acts which may be a violation of this Act or which may constitute unprofessional conduct related directly to patient care or which indicates that a person licensed under this Act may have a mental or physical disability that may endanger patients under that person's care.

(B) Mandatory reporting. All reports required by items (34), (35), and (36) of subsection (A) of Section 22 and by this Section 23 shall be submitted to the Medical Board in a timely fashion. Unless otherwise provided in this Section, the reports shall be filed in writing within 60 days after a determination that a report is required under this Act. All reports shall contain the following information:

(1) The name, address, and telephone number of the person making the report.

(2) The name, address, and telephone number of the person who is the subject of the report.

(3) The name and date of birth of any patient or patients whose treatment is a subject of the report, if available, or other means of identification if such information is not available, identification of the hospital or other health care facility where the care at issue in the report was rendered, provided, however, no medical records may be revealed.

(4) A brief description of the facts which gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and date of filing of the action.

(6) Any further pertinent information which the reporting party deems to be an aid in the evaluation of the report.

The Medical Board or Department may also exercise the power under Section 38 of this Act to subpoena copies of hospital or medical records in mandatory report cases alleging death or permanent bodily injury. Appropriate rules shall be adopted by the Department with the approval of the Medical Board.

When the Department has received written reports concerning incidents required to be reported in items (34), (35), and (36) of subsection (A) of Section 22, the licensee's failure to report the incident to the Department under those items shall not be the sole grounds for disciplinary action.

Nothing contained in this Section shall act to, in any way, waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Medical Board, the Medical Coordinators, the Medical Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or to a health care licensing body or medical licensing authority of this State or another state or jurisdiction pursuant to an official request made by that licensing body or medical licensing authority. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense, or, in the case of disclosure to a health care licensing body or medical licensing authority, only for investigations and disciplinary action

proceedings with regard to a license. Information and documents disclosed to the Department of Public Health may be used by that Department only for investigation and disciplinary action regarding the license of a health care institution licensed by the Department of Public Health.

(C) Immunity from prosecution. Any individual or organization acting in good faith, and not in a willful ~~wilful~~ and wanton manner, in complying with this Act by providing any report or other information to the Medical Board or a peer review committee, or assisting in the investigation or preparation of such information, or by voluntarily reporting to the Medical Board or a peer review committee information regarding alleged errors or negligence by a person licensed under this Act, or by participating in proceedings of the Medical Board or a peer review committee, or by serving as a member of the Medical Board or a peer review committee, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(D) Indemnification. Members of the Medical Board, the Medical Coordinators, the Medical Board's attorneys, the medical investigative staff, physicians retained under contract to assist and advise the medical coordinators in the investigation, and authorized clerical staff shall be indemnified by the State for any actions occurring within the scope of services on the Medical Board, done in good faith and not willful ~~wilful~~ and wanton in nature. The Attorney General shall defend all such actions unless the Attorney General ~~he or she~~ determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were willful ~~wilful~~ and wanton.

Should the Attorney General decline representation, the member shall have the right to employ counsel of the member's ~~his or her~~ choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were willful ~~wilful~~ and wanton.

The member must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Medical Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine within 7 days after receiving such notice, whether the Attorney General ~~he or she~~ will undertake to represent the member.

(E) Deliberations of Medical Board. Upon the receipt of any report called for by this Act, other than those reports of impaired persons licensed under this Act required pursuant to the rules of the Medical Board, the Medical Board shall notify in writing, by mail or email, the person who is the subject of the report. Such notification shall be made within 30 days of receipt by the Medical Board of the report.

The notification shall include a written notice setting forth the person's right to examine the report. Included in such notification shall be the address at which the file is maintained, the name of the custodian of the reports, and the telephone number at which the custodian may be reached. The person who is the subject of the report shall submit a written statement responding, clarifying, adding to, or proposing the amending of the report previously filed. The person who is the subject of the report shall also submit with the written statement any medical records related to the report. The statement and accompanying medical records shall become a permanent part of the file and must be received by the Medical Board no more than 30 days after the date on which the person was notified by the Medical Board of the existence of the original report.

The Medical Board shall review all reports received by it, together with any supporting information and responding statements submitted by persons who are the subject of reports. The review by the Medical Board shall be in a timely manner but in no event, shall the Medical Board's initial review of the material contained in each disciplinary file be less than 61 days nor more than 180 days after the receipt of the initial report by the Medical Board.

When the Medical Board makes its initial review of the materials contained within its disciplinary files, the Medical Board shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make such determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action.

Should the Medical Board find that there are not sufficient facts to warrant further investigation or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported to the Secretary. The Secretary shall then have 30 days to accept the Medical Board's decision or request further investigation. The Secretary shall inform the Medical Board of the decision to request further investigation, including the specific reasons for the decision. The individual or entity filing the original report or complaint and the person who is the subject of the report or complaint shall be notified in writing by the Secretary of any final action on their report or complaint. The Department shall disclose to the individual or entity who filed the original report or complaint, on request, the status of the Medical Board's review of a specific

report or complaint. Such request may be made at any time, including prior to the Medical Board's determination as to whether there are sufficient facts to warrant further investigation or action.

(F) Summary reports. The Medical Board shall prepare, on a timely basis, but in no event less than once every other month, a summary report of final disciplinary actions taken upon disciplinary files maintained by the Medical Board. The summary reports shall be made available to the public upon request and payment of the fees set by the Department. This publication may be made available to the public on the Department's website. Information or documentation relating to any disciplinary file that is closed without disciplinary action taken shall not be disclosed and shall be afforded the same status as is provided by Part 21 of Article VIII of the Code of Civil Procedure.

(G) Any violation of this Section shall be a Class A misdemeanor.

(H) If any such person violates the provisions of this Section an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining such violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in such court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this paragraph shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(I) The Department may adopt rules to implement, administer, and enforce this Section.

(Source: P.A. 104-432, eff. 1-1-26.)

(225 ILCS 60/26) (from Ch. 111, par. 4400-26)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26. Advertising.

(1) Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered. Such advertising shall be limited to the following information:

(a) Publication of the person's name, title, office hours, address and telephone number;

(b) Information pertaining to the person's areas of specialization, including appropriate board certification or limitation of professional practice;

(c) Information on usual and customary fees for routine professional services offered, which information shall include, notification that fees may be adjusted due to complications or unforeseen circumstances;

(d) Announcement of the opening of, change of, absence from, or return to business;

(e) Announcement of additions to or deletions from professional licensed staff;

(f) The issuance of business or appointment cards.

(2) It is unlawful for any person licensed under this Act to use claims of superior quality of care to entice the public. It shall be unlawful to advertise fee comparisons of available services with those of other persons licensed under this Act.

(3) This Act does not authorize the advertising of professional services which the offeror of such services is not licensed to render. Nor shall the advertiser use statements which contain false, fraudulent, deceptive or misleading material or guarantees of success, statements which play upon the vanity or fears of the public, or statements which promote or produce unfair competition.

(4) A licensee shall include in every advertisement for services regulated under this Act the licensee's ~~his or her~~ title as it appears on the license or the initials authorized under this Act.

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

(225 ILCS 60/36) (from Ch. 111, par. 4400-36)

(Section scheduled to be repealed on January 1, 2027)

Sec. 36. Investigation; notice.

(a) Upon the motion of either the Department or the Medical Board or upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for suspension or revocation under Section 22 of this Act, the Department shall investigate the actions of any person, so accused, who holds or represents that the person ~~he or she~~ holds a license. Such person is hereinafter called the accused.

(b) The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place

for a hearing of the charges before the Medical Board, direct the accused ~~him or her~~ to file the accused's ~~his or her~~ written answer thereto to the Medical Board under oath within 20 days after the service on the accused ~~him or her~~ of such notice and inform the accused ~~him or her~~ that if the accused ~~he or she~~ fails to file such answer default will be taken against the accused ~~him or her~~ and the accused's ~~his or her~~ license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of the accused's ~~his or her~~ practice, as the Department may deem proper taken with regard thereto. The Department shall, at least 14 days prior to the date set for the hearing, notify in writing any person who filed a complaint against the accused of the time and place for the hearing of the charges against the accused before the Medical Board and inform such person whether the accused ~~he or she~~ may provide testimony at the hearing.

(c) (Blank).

(d) Such written notice and any notice in such proceedings thereafter may be served by personal delivery, email to the respondent's email address of record, or mail to the respondent's address of record.

(e) All information gathered by the Department during its investigation including information subpoenaed under Section 23 or 38 of this Act and the investigative file shall be kept for the confidential use of the Secretary, the Medical Board, the Medical Coordinators, persons employed by contract to advise the Medical Coordinator or the Department, the Medical Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation to a health care licensing body of this State or another state or jurisdiction pursuant to an official request made by that licensing body. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense or, in the case of disclosure to a health care licensing body, only for investigations and disciplinary action proceedings with regard to a license issued by that licensing body.

(Source: P.A. 101-13, eff. 6-12-19; 101-316, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff. 8-20-21.)

(225 ILCS 60/37) (from Ch. 111, par. 4400-37)

(Section scheduled to be repealed on January 1, 2027)

Sec. 37. Disciplinary actions.

(a) At the time and place fixed in the notice, the Medical Board provided for in this Act shall proceed to hear the charges, and the accused person shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Medical Board may continue such hearing from time to time. If the Medical Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing has been continued, the Department shall continue such hearing for a period not to exceed 30 days.

(b) In case the accused person, after receiving notice, fails to file an answer, their license may, in the discretion of the Secretary, having received first the recommendation of the Medical Board, be suspended, revoked or placed on probationary status, or the Secretary may take whatever disciplinary action as the Secretary ~~he or she~~ may deem proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(c) The Medical Board has the authority to recommend to the Secretary that probation be granted or that other disciplinary or non-disciplinary action, including the limitation of the scope, nature or extent of a person's practice, be taken as it deems proper. If disciplinary or non-disciplinary action, other than suspension or revocation, is taken the Medical Board may recommend that the Secretary impose reasonable limitations and requirements upon the accused registrant to ensure compliance with the terms of the probation or other disciplinary action, including, but not limited to, regular reporting by the accused to the Department of their actions, placing themselves under the care of a qualified physician for treatment, or limiting their practice in such manner as the Secretary may require.

(d) The Secretary, after consultation with the Chief Medical Coordinator or Deputy Medical Coordinator, may temporarily suspend the license of a physician without a hearing, simultaneously with the institution of proceedings for a hearing provided under this Section if the Secretary possesses evidence that ~~finds that evidence in his or her possession~~ indicates that a physician's continuation in practice would constitute an immediate danger to the public. In the event that the Secretary suspends, temporarily, the

license of a physician without a hearing, a hearing by the Medical Board shall be held within 15 days after such suspension has occurred and shall be concluded without appreciable delay.
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 60/38) (from Ch. 111, par. 4400-38)

(Section scheduled to be repealed on January 1, 2027)

Sec. 38. Subpoena; oaths.

(a) The Medical Board or Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed by law for judicial procedure in civil cases.

(b) The Medical Board or Department, upon a determination that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 has occurred or is occurring, may subpoena the medical and hospital records of individual patients of physicians licensed under this Act, provided, that prior to the submission of such records to the Medical Board, all information indicating the identity of the patient shall be removed and deleted. Notwithstanding the foregoing, the Medical Board and Department shall possess the power to subpoena copies of hospital or medical records in mandatory report cases under Section 23 alleging death or permanent bodily injury when consent to obtain records is not provided by a patient or legal representative. Prior to submission of the records to the Medical Board, all information indicating the identity of the patient shall be removed and deleted. All medical records and other information received pursuant to subpoena shall be confidential and shall be afforded the same status as is proved information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure. The use of such records shall be restricted to members of the Medical Board, the medical coordinators, and appropriate staff of the Department designated by the Medical Board for the purpose of determining the existence of one or more grounds for discipline of the physician as provided for by Section 22 of this Act. Any such review of individual patients' records shall be conducted by the Medical Board in strict confidentiality, provided that such patient records shall be admissible in a disciplinary hearing, before the Medical Board, when necessary to substantiate the grounds for discipline alleged against the physician licensed under this Act, and provided further, that nothing herein shall be deemed to supersede the provisions of Part 21 of Article VIII of the Code of Civil Procedure, to the extent applicable.

(c) The Secretary, hearing officer, and any member of the Medical Board each have power to administer oaths at any hearing which the Medical Board or Department is authorized by law to conduct.

(d) Upon ~~The Medical Board, upon~~ a determination that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 has occurred or is occurring on the business premises of a physician licensed under this Act, ~~may issue an order authorizing~~ an appropriately qualified investigator employed by the Department may ~~to~~ enter upon the business premises with due consideration for patient care of the subject of the investigation so as to inspect the physical premises and equipment and furnishings therein. The right to inspection ~~No such order~~ shall not include the right of inspection of business, medical, or personnel records located on the premises without a subpoena issued in accordance with this Section or Section 2105-105 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. For purposes of this Section, "business premises" is defined as the office or offices where the physician conducts the practice of medicine. ~~Any such order shall expire and become void five business days after its issuance by the Medical Board.~~ The execution of any such inspection ~~order~~ shall be valid only during the normal business hours of the facility or office to be inspected.
(Source: P.A. 101-316, eff. 8-9-19; 102-20, eff. 1-1-22.)

(225 ILCS 60/40) (from Ch. 111, par. 4400-40)

(Section scheduled to be repealed on January 1, 2027)

Sec. 40. Findings and recommendations; rehearing.

(a) The Medical Board shall present to the Secretary a written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by mail or email. Within 20 days after such service, the accused person may present to the Department the accused person's ~~his or her~~ motion, in writing, for a rehearing, which written motion shall specify the particular ground therefor. If the accused person orders and pays for a transcript of the record as provided in Section 39, the time elapsing thereafter and before such transcript is ready for delivery to them shall not be counted as part of such 20 days.

(b) At the expiration of the time allowed for filing a motion for rehearing, the Secretary may take the action recommended by the Medical Board. Upon the suspension, revocation, placement on probationary status, or the taking of any other disciplinary action, including the limiting of the scope, nature, or extent of

one's practice, deemed proper by the Department, with regard to the license or permit, the accused shall surrender the accused's ~~his or her~~ license or permit to the Department, if ordered to do so by the Department, and upon the accused's ~~his or her~~ failure or refusal so to do, the Department may seize the same.

(c) Each order of revocation, suspension, or other disciplinary action shall contain a brief, concise statement of the ground or grounds upon which the Department's action is based, as well as the specific terms and conditions of such action. This document shall be retained as a permanent record by the Department.

(d) (Blank).

(e) In those instances where an order of revocation, suspension, or other disciplinary action has been rendered by virtue of a physician's physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice medicine with reasonable judgment, skill, or safety, the Department shall only permit this document, and the record of the hearing incident thereto, to be observed, inspected, viewed, or copied pursuant to court order.

(Source: P.A. 101-316, eff. 8-9-19; 102-20, eff. 1-1-22.)

(225 ILCS 60/44) (from Ch. 111, par. 4400-44)

(Section scheduled to be repealed on January 1, 2027)

Sec. 44. None of the disciplinary functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Medical Board.

In all instances, under this Act, in which the Medical Board has rendered a recommendation to the Secretary with respect to a particular physician, the Secretary may take action contrary to the recommendation of the Medical Board. In the event that the Secretary disagrees with or takes action contrary to the recommendation of the Medical Board, the Secretary may file with the Medical Board the Secretary's ~~his or her~~ specific written reasons of disagreement with the Medical Board. Such reasons shall be filed within 30 days of the occurrence of the Secretary's contrary position having been taken.

The action and report in writing of a majority of the Medical Board designated is sufficient authority upon which the Secretary may act.

Whenever the Secretary is satisfied that substantial justice has not been done in a formal disciplinary action, or refusal to restore a license, the Secretary ~~he or she~~ may order a rehearing.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 60/49) (from Ch. 111, par. 4400-49)

(Section scheduled to be repealed on January 1, 2027)

Sec. 49. If any person does any of the following and does not possess a valid license issued under this Act, that person shall be sentenced as provided in Section 59: (i) holds himself or herself out to the public as being engaged in the diagnosis or treatment of physical or mental ailments or conditions including, but not limited to, deformities, diseases, disorders, or injuries of human beings; (ii) suggests, recommends or prescribes any form of treatment for the palliation, relief or cure of any physical or mental ailment or condition of any person with the intention of receiving, either directly or indirectly, any fee, gift, or compensation whatever; (iii) diagnoses or attempts to diagnose, operates upon, professes to heal, prescribes for, or otherwise treats any ailment or condition, or supposed ailment or condition, of another; (iv) maintains an office for examination or treatment of persons afflicted, or alleged or supposed to be afflicted, by any ailment or condition; (v) manipulates or adjusts osseous or articular structures; or (vi) attaches the title Doctor, Physician, Surgeon, M.D., D.O. or D.C. or any other word or abbreviation to the person's ~~his or her~~ name indicating that the person ~~he or she~~ is engaged in the treatment of human ailments or conditions as a business.

Whenever the Department has reason to believe that any person has violated this Section the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

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

(225 ILCS 60/54) (from Ch. 111, par. 4400-54)

(Section scheduled to be repealed on January 1, 2027)

Sec. 54. A person who holds himself or herself out to treat human ailments under a name other than the person's ~~his or her~~ own, or by personation of any physician, shall be punished as provided in Section 59.

However, nothing in this Act shall be construed as prohibiting partnerships, limited liability companies, associations, or corporations in accordance with subsection (c) of Section 22.2 of this Act.
(Source: P.A. 97-622, eff. 11-23-11.)

(225 ILCS 60/54.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 54.2. Physician delegation of authority.

(a) Nothing in this Act shall be construed to limit the delegation of patient care tasks or duties by a physician, to a licensed practical nurse, a registered professional nurse, or other licensed person practicing within the scope of the licensed person's ~~his or her~~ individual licensing Act. Delegation by a physician licensed to practice medicine in all its branches to physician assistants or advanced practice registered nurses is also addressed in Section 54.5 of this Act. No physician may delegate any patient care task or duty that is statutorily or by rule mandated to be performed by a physician.

(b) In an office or practice setting and within a physician-patient relationship, a physician may delegate patient care tasks or duties to an unlicensed person who possesses appropriate training and experience provided a health care professional, who is practicing within the scope of such licensed professional's individual licensing Act, is on site to provide assistance.

(c) Any such patient care task or duty delegated to a licensed or unlicensed person must be within the scope of practice, education, training, or experience of the delegating physician and within the context of a physician-patient relationship.

(d) Nothing in this Section shall be construed to affect referrals for professional services required by law.

(e) The Department shall have the authority to adopt rules concerning a physician's delegation, including, but not limited to, the use of light emitting devices for patient care or treatment. An on-site physician examination prior to the performance of a non-ablative laser procedure shall not be required when:

(1) the laser hair removal facility follows a physician delegation protocol, which shall be made available to the Department upon request;

(2) the examination is performed by an advanced practice registered nurse;

(3) the procedure is delegated by a physician and performed by a registered nurse or licensed practical nurse who has received appropriate, documented training and education in the safe and effective use of each system; and

(4) a physician is available by telephone or other electronic means to respond promptly to any questions or complications that may occur.

Nothing in this Section shall be construed to limit a licensed advanced practice registered nurse with full practice authority from practicing according to the Nurse Practice Act.

(f) Nothing in this Act shall be construed to limit the method of delegation that may be authorized by any means, including, but not limited to, oral, written, electronic, standing orders, protocols, guidelines, or verbal orders.

(g) (Blank). ~~A physician licensed to practice medicine in all of its branches under this Act may delegate any and all authority prescribed to him or her by law to international medical graduate physicians, so long as the tasks or duties are within the scope of practice, education, training, or experience of the delegating physician who is on site to provide assistance. An international medical graduate working in Illinois pursuant to this subsection is subject to all statutory and regulatory requirements of this Act, as applicable, relating to the standards of care. An international medical graduate physician is limited to providing treatment under the supervision of a physician licensed to practice medicine in all of its branches. The supervising physician or employer must keep record of and make available upon request by the Department the following: (1) evidence of education certified by the Educational Commission for Foreign Medical Graduates; (2) evidence of passage of Step 1, Step 2 Clinical Knowledge, and Step 3 of the United States Medical Licensing Examination as required by this Act; and (3) evidence of an unencumbered license from another country. This subsection does not apply to any international medical graduate whose license as a physician is revoked, suspended, or otherwise encumbered. This subsection is inoperative upon the adoption of rules implementing Section 15.5.~~

(Source: P.A. 103-1, eff. 4-27-23; 103-102, eff. 6-16-23; 103-814, eff. 1-1-25.)

(225 ILCS 60/54.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 54.5. Physician delegation of authority to physician assistants, advanced practice registered nurses without full practice authority, and prescribing psychologists.

(a) Physicians licensed to practice medicine in all its branches may delegate care and treatment responsibilities to a physician assistant under guidelines in accordance with the requirements of the Physician Assistant Practice Act of 1987. A physician licensed to practice medicine in all its branches may enter into collaborative agreements with no more than 7 full-time equivalent physician assistants, except in a hospital, hospital affiliate, or ambulatory surgical treatment center as set forth by Section 7.7 of the Physician Assistant Practice Act of 1987 and as provided in subsection (a-5).

(a-5) A physician licensed to practice medicine in all its branches may collaborate with more than 7 physician assistants when the services are provided in a federal primary care health professional shortage area with a Health Professional Shortage Area score greater than or equal to 12, as determined by the United States Department of Health and Human Services.

The collaborating physician must keep appropriate documentation of meeting this exemption and make it available to the Department upon request.

(b) A physician licensed to practice medicine in all its branches in active clinical practice may collaborate with an advanced practice registered nurse in accordance with the requirements of the Nurse Practice Act. Collaboration is for the purpose of providing medical consultation, and no employment relationship is required. A written collaborative agreement shall conform to the requirements of Section 65-35 of the Nurse Practice Act. The written collaborative agreement shall be for services for which the collaborating physician can provide adequate collaboration. A written collaborative agreement shall be adequate with respect to collaboration with advanced practice registered nurses if all of the following apply:

(1) The agreement is written to promote the exercise of professional judgment by the advanced practice registered nurse commensurate with the advanced practice registered nurse's ~~his or her~~ education and experience.

(2) The advanced practice registered nurse provides services based upon a written collaborative agreement with the collaborating physician, except as set forth in subsection (b-5) of this Section. With respect to labor and delivery, the collaborating physician must provide delivery services in order to participate with a certified nurse midwife.

(3) Methods of communication are available with the collaborating physician in person or through telecommunications for consultation, collaboration, and referral as needed to address patient care needs.

(b-5) An anesthesiologist or physician licensed to practice medicine in all its branches may collaborate with a certified registered nurse anesthetist in accordance with Section 65-35 of the Nurse Practice Act for the provision of anesthesia services. With respect to the provision of anesthesia services, the collaborating anesthesiologist or physician shall have training and experience in the delivery of anesthesia services consistent with Department rules. Collaboration shall be adequate if:

(1) an anesthesiologist or a physician participates in the joint formulation and joint approval of orders or guidelines and periodically reviews such orders and the services provided patients under such orders; and

(2) for anesthesia services, the anesthesiologist or physician participates through discussion of and agreement with the anesthesia plan and is physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. Anesthesia services in a hospital shall be conducted in accordance with Section 10.7 of the Hospital Licensing Act and in an ambulatory surgical treatment center in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act.

(b-10) The anesthesiologist or operating physician must agree with the anesthesia plan prior to the delivery of services.

(c) The collaborating physician shall have access to the medical records of all patients attended by a physician assistant. The collaborating physician shall have access to the medical records of all patients attended to by an advanced practice registered nurse.

(d) (Blank).

(e) A physician shall not be liable for the acts or omissions of a prescribing psychologist, physician assistant, or advanced practice registered nurse solely on the basis of having signed a supervision agreement or guidelines or a collaborative agreement, an order, a standing medical order, a standing delegation order, or other order or guideline authorizing a prescribing psychologist, physician assistant, or advanced practice registered nurse to perform acts, unless the physician has reason to believe the prescribing psychologist,

physician assistant, or advanced practice registered nurse lacked the competency to perform the act or acts or commits willful and wanton misconduct.

(f) A collaborating physician may, but is not required to, delegate prescriptive authority to an advanced practice registered nurse as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 65-40 of the Nurse Practice Act.

(g) A collaborating physician may, but is not required to, delegate prescriptive authority to a physician assistant as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 7.5 of the Physician Assistant Practice Act of 1987.

(h) (Blank).

(i) A collaborating physician shall delegate prescriptive authority to a prescribing psychologist as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 4.3 of the Clinical Psychologist Licensing Act.

(j) As set forth in Section 22.2 of this Act, a licensee under this Act may not directly or indirectly divide, share, or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in Section 22.2.

(Source: P.A. 103-228, eff. 1-1-24.)

(225 ILCS 60/58) (from Ch. 111, par. 4400-58)

(Section scheduled to be repealed on January 1, 2027)

Sec. 58. Any person who shall willfully ~~wilfully~~ swear or affirm falsely, or make or file any affidavit willfully ~~wilfully~~ and corruptly, in filing or prosecuting their application for a license before the Department, or in submitting any complaint, evidence or testimony to the Department under the provisions of this Act, or under any rule or regulation of the Department, shall be sentenced therefor as the law shall prescribe at the time for perjury.

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

(225 ILCS 60/66)

Sec. 66. Temporary permit for health care.

(a) The Department may issue a temporary permit to an applicant who is licensed to practice as a physician in another state. The temporary permit will authorize the practice of providing health care to patients in this State if all of the following apply:

(1) The Department determines that the applicant's services will improve the welfare of Illinois residents and non-residents requiring health care services.

(2) The applicant has graduated from a medical program officially recognized by the jurisdiction in which it is located for the purpose of receiving a license to practice medicine in all of its branches, and maintains an equivalent authorization to practice medicine in good standing in the applicant's current state or territory of licensure; and the applicant can furnish the Department with a certified letter upon request from that jurisdiction attesting to the fact that the applicant has no pending action or violations against the applicant's license.

The Department will not consider a physician's license being revoked or otherwise disciplined by any state or territory based solely on the physician providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service that is unlawful or prohibited in that state or territory, if the provision of, authorization of, or participation in that health care, medical service, or procedure related to any health care service is not unlawful or prohibited in this State.

(3) The applicant has sufficient training and possesses the appropriate core competencies to provide health care services, and is physically, mentally, and professionally capable of practicing medicine with reasonable judgment, skill, and safety and in accordance with applicable standards of care.

(4) The applicant will be working pursuant to an agreement with a sponsoring licensed hospital, medical office, clinic, or other medical facility providing abortion or other health care services. Such agreement shall be executed by an authorized representative of the licensed hospital, medical office, clinic, or other medical facility, certifying that the physician holds an active license and is in good standing in the state in which they are licensed. If an applicant for a temporary permit has been previously disciplined by another jurisdiction, except as described in paragraph (2) of subsection (a), further review may be conducted pursuant to the Civil Administrative Code of Illinois and this Act. The application shall include the physician's name, contact information, state of licensure, and license number.

(5) Payment of a $75 fee.

The sponsoring licensed hospital, medical office, clinic, or other medical facility engaged in the agreement with the applicant shall notify the Department should the applicant at any point leave or become separate from the sponsor.

The Department may adopt rules pursuant to this Section.

(b) A temporary permit under this Section shall expire 2 years after the date of issuance. The temporary permit may be renewed for a $45 fee for an additional 2 years. A holder of a temporary permit may only renew one time.

(c) The temporary permit shall only permit the holder to practice medicine within the scope of providing health care services at the location or locations specified on the permit.

(d) An application for the temporary permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by a nonrefundable ~~non-refundable~~ fee of $75. The Department shall grant or deny an applicant a temporary permit within 60 days of receipt of a completed application. The Department shall notify the applicant of any deficiencies in the applicant's application materials requiring corrections in a timely manner.

(e) An applicant for temporary permit may be requested to appear before the Board to respond to questions concerning the applicant's qualifications to receive the permit. An applicant's refusal to appear before the Illinois State Medical Board may be grounds for denial of the application by the Department.

(f) The Secretary may summarily cancel any temporary permit issued pursuant to this Section, without a hearing, if the Secretary finds ~~that~~ evidence that ~~in his or her possession~~ indicates that a permit holder's continuation in practice would constitute an imminent danger to the public or violate any provision of this Act or its rules. If the Secretary summarily cancels a temporary permit issued pursuant to this Section or Act, the permit holder may petition the Department for a hearing in accordance with the provisions of Section 43 of this Act to restore the permit holder's ~~his or her~~ permit, unless the permit holder has exceeded the ~~his or her~~ renewal limit.

(g) In addition to terminating any temporary permit issued pursuant to this Section or Act, the Department may issue a monetary penalty not to exceed $10,000 upon the temporary permit holder and may notify any state in which the temporary permit holder has been issued a permit that the permit holder's ~~his or her~~ Illinois permit has been terminated and the reasons for the termination. The monetary penalty shall be paid within 60 days after the effective date of the order imposing the penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. It is the intent of the General Assembly that a permit issued pursuant to this Section shall be considered a privilege and not a property right.

(h) While working in Illinois, all temporary permit holders are subject to all statutory and regulatory requirements of this Act in the same manner as a licensee. Failure to adhere to all statutory and regulatory requirements may result in revocation or other discipline of the temporary permit.

(i) If the Department becomes aware of a violation occurring at the licensed hospital, medical office, clinic, or other medical facility or via telehealth practice, the Department shall notify the Department of Public Health.

(j) The Department may adopt emergency rules pursuant to this Section. The General Assembly finds that the adoption of rules to implement a temporary permit for health care services is deemed an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 102-1117, eff. 1-13-23.)

(225 ILCS 60/70 new)

Sec. 70. Record retention. A physician shall retain all medical records of adult patients not appropriately transferred to another physician or entity for at least 6 years after the last date of service for each patient, except as otherwise required by law. A physician shall retain all medical records of minor patients not appropriately transferred to another physician or entity for at least 6 years after the last date of service for each patient or until the patient reaches the age of 21, whichever date is longer, except as otherwise required by law.

Section 27. The Licensed Certified Professional Midwife Practice Act is amended by adding Section 21 as follows:

(225 ILCS 64/21 new)

Sec. 21. Unlicensed practice.

(a) As used in this Section, "midwifery services" does not include the services provided by an advanced practice registered nurse certified as a nurse midwife under the Nurse Practice Act.

(b) No person may provide, offer to provide, or attempt to practice midwifery or hold oneself out as a licensed certified professional midwife, a licensed midwife, a certified professional midwife, or as a qualified provider of midwifery services unless the person is licensed in accordance with this Act.

Section 30. The Illinois Optometric Practice Act of 1987 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 9.5, 10, 11, 12, 13, 16, 17, 18, 20, 22, 24, 24.2, 25, 26.1, 26.2, 26.7, 26.13, and 26.14 as follows:

(225 ILCS 80/3) (from Ch. 111, par. 3903)

(Section scheduled to be repealed on January 1, 2027)

Sec. 3. Practice of optometry defined; referrals; manufacture of lenses and prisms.

(a) The practice of optometry is defined as the employment of any and all means for the examination, diagnosis, and treatment of the human visual system, the human eye, and its appendages without the use of surgery or the use of lasers for surgical purposes, including, but not limited to: the appropriate use of ocular pharmaceutical agents; refraction and other determinants of visual function; prescribing corrective lenses or prisms; prescribing, dispensing, or management of contact lenses; vision therapy; visual rehabilitation; or any other procedures taught in schools and colleges of optometry approved by the Department, and not specifically restricted in this Act, subject to demonstrated competency and training as required by the Board, and pursuant to rule or regulation approved by the Board and adopted by the Department.

A person shall be deemed to be practicing optometry within the meaning of this Act who:

(1) In any way presents the person ~~himself or herself~~ to be qualified to practice optometry.

(2) Performs refractions or employs any other determinants of visual function.

(3) Employs any means for the adaptation of lenses or prisms.

(4) Prescribes corrective lenses, prisms, vision therapy, visual rehabilitation, or ocular pharmaceutical agents.

(5) Prescribes or manages contact lenses for refractive, cosmetic, or therapeutic purposes.

(6) Evaluates the need for, or prescribes, low vision aids to partially sighted persons.

(7) Diagnoses or treats any ocular abnormality, disease, or visual or muscular anomaly of the human eye or visual system.

(8) Practices, or offers or attempts to practice, optometry as defined in this Act either on the person's ~~his or her~~ own behalf or as an employee of a person, firm, or corporation, whether under the supervision of the person's ~~his or her~~ employer or not.

Nothing in this Section shall be interpreted (A) to prevent a person from functioning as an assistant under the direct supervision of a person licensed by the State of Illinois to practice optometry or medicine in all of its branches or (B) to prohibit visual screening programs that are conducted without a fee (other than voluntary donations), by charitable organizations acting in the public welfare under the supervision of a committee composed of persons licensed by the State of Illinois to practice optometry or persons licensed by the State of Illinois to practice medicine in all of its branches.

(b) When, in the course of providing optometric services to any person, an optometrist licensed under this Act finds an indication of a disease or condition of the eye which in the optometrist's ~~his or her~~ professional judgment requires professional service outside the scope of practice as defined in this Act, the optometrist ~~he or she~~ shall refer such person to a physician licensed to practice medicine in all of its branches, or other appropriate health care practitioner. Nothing in this Act shall preclude an optometrist from rendering appropriate nonsurgical emergency care.

(c) Nothing contained in this Section shall prohibit a person from manufacturing ophthalmic lenses and prisms or the fabrication of contact lenses according to the specifications prescribed by an optometrist or a physician licensed to practice medicine in all of its branches, but shall specifically prohibit (1) the sale or delivery of ophthalmic lenses, prisms, and contact lenses without a prescription signed by an optometrist or a physician licensed to practice medicine in all of its branches and (2) the dispensing of contact lenses by anyone other than a licensed optometrist, licensed pharmacist, or a physician licensed to practice medicine in all of its branches. For the purposes of this Act, "contact lenses" include, but are not limited to, contact lenses with prescriptive power and decorative and plano power contact lenses. Nothing in this Section shall prohibit the sale of contact lenses by an optical firm or corporation primarily engaged in manufacturing or dealing in eyeglasses or contact lenses with an affiliated optometrist who practices and is licensed or has an ancillary registration for the location where the sale occurs.

(d) Nothing in this Act shall restrict the filling of a prescription by a pharmacist licensed under the Pharmacy Practice Act.

(e) Nothing in this Act shall be construed to restrict the dispensing and sale by an optometrist of ocular devices, such as contact lenses, that contain and deliver ocular pharmaceutical agents permitted for use or prescription under this Act.

(f) (Blank). ~~On and after January 1, 2018, nothing in this Act shall prohibit an optometrist who is certified by a school of optometry approved by the Department from performing advanced optometric procedures, pursuant to educational requirements established by rule, that are consistent with the recommendations of the Collaborative Optometric/Ophthalmological Task Force created in Section 15.3 of this Act and that are taught (1) at an accredited, private 4-year school of optometry that is located in a city in Illinois with a population in excess of 1,500,000, or (2) at a school of optometry with a curriculum that is substantially similar to the curriculum taught at the school of optometry described in item (1) of this subsection. Advanced optometric procedures do not include the use of lasers.~~

(Source: P.A. 98-186, eff. 8-5-13; 99-909, eff. 1-1-17.)

(225 ILCS 80/4) (from Ch. 111, par. 3904)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4. License requirement. No person shall practice, or attempt to practice, optometry, as defined in this Act, without a valid license as an optometrist issued by the Department.

(Source: P.A. 85-896.)

(225 ILCS 80/5) (from Ch. 111, par. 3905)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Title and designation of licensed optometrists. Every person to whom a valid existing license as an optometrist has been issued under this Act, shall be designated professionally as an "optometrist" and not otherwise, and any such licensed optometrist may, in connection with the practice of the licensed optometrist's ~~his or her~~ profession, use the title or designation of "optometrist", and, if entitled by degree from a college or university recognized by the Department of Financial and Professional Regulation, may use the title of "Doctor of Optometry", or the abbreviation "O.D.". When the name of such licensed optometrist is used professionally in oral, written, or printed announcements, prescriptions, professional cards, or publications for the information of the public, and is preceded by the title "Doctor" or the abbreviation "Dr.", the explanatory designation of "optometrist", "optometry", or "Doctor of Optometry" shall be added immediately following such title and name. When such announcement, prescription, professional care or publication is in writing or in print, such explanatory addition shall be in writing, type, or print not less than one-half the size of that used in said name and title. No person other than the holder of a valid existing license under this Act shall use the title and designation of "Doctor of Optometry", "O.D.", or "optometrist", either directly or indirectly in connection with the licensee's ~~his or her~~ profession or business.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/6) (from Ch. 111, par. 3906)

(Section scheduled to be repealed on January 1, 2027)

Sec. 6. Display of license; change of address; record of examinations and prescriptions.

(a) Every holder of a license under this Act shall display such license on a conspicuous place in the office or offices wherein such holder practices optometry and every holder shall, whenever requested, exhibit such license to any representative of the Department, and shall notify the Department of the address or addresses and of every change thereof, where such holder shall practice optometry.

(b) Every licensed optometrist shall keep a record of examinations made and prescriptions issued, which record shall include the names of persons examined and for whom prescriptions were prepared, and shall be signed by the licensed optometrist and shall be retained in the office in which such professional service was rendered or in a secure offsite storage facility. Such records shall be preserved by the optometrist for a period designated by the Department. A copy of such records shall be provided, upon written request, to the person examined, or the person's ~~his or her~~ designee.

(Source: P.A. 97-1028, eff. 1-1-13.)

(225 ILCS 80/7) (from Ch. 111, par. 3907)

(Section scheduled to be repealed on January 1, 2027)

Sec. 7. Additional practice locations.

(a) Every holder of a license under this Act shall report to the Department every additional location where the licensee engages in the practice of optometry. Such reports shall be made prior to practicing at the location and shall be done in a manner prescribed by the Department.

(b) Failure to report a practice location or to maintain evidence of such a report at the practice location shall be a violation of this Act and shall be considered the unlicensed practice of optometry. Registering a location where a licensee does not practice shall also be a violation of this Act.

(c) Nothing contained herein, however, shall be construed to require a licensed optometrist in active practice to report a location to the Department when serving on the staff of a hospital or an institution that receives no fees (other than entrance registration fees) for the services rendered by the optometrist and for which the optometrist receives no fees or compensation directly or indirectly for such services rendered.

(d) Nothing contained herein shall be construed to require a licensed optometrist to report a location to the Department when rendering necessary optometric services for the licensed optometrist's ~~his or her~~ patients confined to their homes, hospitals or institutions, or to act in an advisory capacity, with or without remuneration, in any industry, school or institution.

(Source: P.A. 96-270, eff. 1-1-10.)

(225 ILCS 80/8) (from Ch. 111, par. 3908)

(Section scheduled to be repealed on January 1, 2027)

Sec. 8. Permitted activities. This Act does not prohibit:

(1) Any person licensed in this State under any other Act from engaging in the practice for which the person ~~he or she~~ is licensed.

(2) The practice of optometry by a person who is employed by the United States government or any bureau, division or agency thereof while in the discharge of the employee's official duties.

(3) The practice of optometry that is included in their program of study by students enrolled in schools of optometry or in continuing education courses approved by the Department.

(4) Persons, firms, and corporations who manufacture or deal in eyeglasses ~~eye-glasses~~ or spectacles in a store, shop, or other permanently established place of business, and who neither practice nor attempt to practice optometry from engaging the services of one or more licensed optometrists, nor prohibit any such licensed optometrist when so engaged, to practice optometry as defined in Section 3 of this Act, when the person, or firm, or corporation so conducts the person's, firm's, or corporation's ~~his or her or its~~ business in a permanently established place and in such manner that the person's, firm's, or corporation's ~~his or her or its~~ activities, in any department in which such optometrist is engaged, insofar as the practice of optometry is concerned, are in keeping with the limitations imposed upon individual practitioners of optometry by subparagraphs 17, 23, 26, 27, 28, 29, and 30 of Section 24 of this Act; provided, that such licensed optometrist or optometrists shall not be exempt, by reason of such relationship, from compliance with the provisions of this Act as prescribed for individual practitioners of optometry.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/9) (from Ch. 111, par. 3909)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9. Definitions. For purposes of ~~In~~ this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Illinois Optometric Licensing and Disciplinary Board appointed by the Secretary.

(4) "License" means the document issued by the Department authorizing the person named thereon to practice optometry.

(5) (Blank).

(6) "Direct supervision" means supervision of any person assisting an optometrist, requiring that the optometrist authorize the procedure, remain in the facility while the procedure is performed, approve the work performed by the person assisting before dismissal of the patient, but does not mean that the optometrist must be present with the patient, during the procedure. For the dispensing of contact lenses, "direct supervision" means that the optometrist is responsible for training the person assisting the optometrist in the dispensing or sale of contact lenses, but does not mean that the optometrist must be present in the facility where the optometrist ~~he or she~~ practices under a license or ancillary registration at the time the contacts are dispensed or sold. For the practice of optometry

through telehealth, "direct supervision" means supervision by an optometrist of any person located at a remote location who is assisting an optometrist with procedures or optometric services administered to a patient at the remote location when the optometrist is at a distant site.

(7) "Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

(8) "Remote location" means the site at which the patient is located at the time optometric services are rendered through telehealth to that patient.

(9) "Distant site" means the location in Illinois from which an optometrist is rendering services through telehealth.

(10) "Interactive telecommunications system" means an audio and video system permitting 2-way, real-time interactive communication between a patient located at a remote location and an optometrist located at a distant site.

(11) "Telehealth" means the evaluation, diagnosis, or interpretation of patient-specific data that is transmitted by way of an interactive telecommunication system between a remote location and an optometrist located at a distant site that generates interaction or treatment recommendations for a patient located at a remote location. "Telehealth" includes the performance of any of the activities set forth in Sections 3 and 15.1.

(12) "Email address of record" means the designated email address by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

(Source: P.A. 102-153, eff. 1-1-22.)

(225 ILCS 80/9.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9.5. Address of record; email address of record ~~Change of address~~. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after the change, either through the Department's website or by contacting the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.~~

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/10) (from Ch. 111, par. 3910)

(Section scheduled to be repealed on January 1, 2027)

Sec. 10. Powers and duties of Department; rules; report.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise such other powers and duties necessary for effectuating the purpose of this Act.

(b) The Secretary shall promulgate rules consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms that shall be issued in connection therewith. The rules shall include standards and criteria for licensure and certification, and professional conduct and discipline.

(c) The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's responses and any recommendations made therein. The Department may solicit the advice of the Board on any matter relating to the administration and enforcement of this Act.

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/11) (from Ch. 111, par. 3911)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11. Optometric Licensing and Disciplinary Board.

(a) The Secretary shall appoint an Illinois Optometric Licensing and Disciplinary Board as follows: Seven persons who shall be appointed by and shall serve in an advisory capacity to the Secretary. Five members must be lawfully and actively engaged in the practice of optometry in this State, one member shall

be a licensed optometrist, with a full-time faculty appointment with a school of optometry located in this State and recognized by the Department ~~the Illinois College of Optometry~~, and one member must be a member of the public who shall be a voting member and is not licensed under this Act, or a similar Act of another jurisdiction, or have any connection with the profession. Neither the public member nor the faculty member shall participate in the preparation or administration of the examination of applicants for licensure.

(b) Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be appointed to the Board for more than 2 successive 4-year terms, not counting any partial terms when appointed to fill the unexpired portion of a vacated term. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

(c) The Board shall annually elect a chairperson and a vice-chairperson, both of whom shall be licensed optometrists.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(f) The Secretary may remove any member of the Board for misconduct, incapacity, or neglect of duty, and the Secretary shall be the sole judge of the sufficiency of cause for removal ~~terminate the appointment of any member for cause~~.

(g) The members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

(h) Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

(i) The Secretary shall give due consideration to all recommendations of the Board.

(j) Without, in any manner, limiting the power of the Department to conduct investigations, the Board may recommend to the Secretary that one or more licensed optometrists be selected by the Secretary to conduct or assist in any investigation pursuant to this Act. Such licensed optometrist may receive remuneration as determined by the Secretary.

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/12) (from Ch. 111, par. 3912)

(Section scheduled to be repealed on January 1, 2027)

Sec. 12. Applications for licenses.

(a) Applications for original licenses shall be made to the Department in writing or electronically on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license.

(b) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the application fees shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 99-43, eff. 1-1-16.)

(225 ILCS 80/13) (from Ch. 111, par. 3913)

(Section scheduled to be repealed on January 1, 2027)

Sec. 13. Examination of applicants for licensure. The Department shall promulgate rules establishing examination requirements for applicants as optometrists. The examination shall accurately evaluate the applicant's ability to perform to the minimum standards of the practice of optometry.

Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

The Department may employ consultants for the purpose of preparing and conducting examinations.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/16) (from Ch. 111, par. 3916)

(Section scheduled to be repealed on January 1, 2027)

Sec. 16. Renewal, reinstatement or restoration of licenses; military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) All renewal applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. The Department shall, by rule, provide for an orderly process for the reinstatement of licenses which have not been renewed due to failure to meet the continuing education

requirements. The continuing education requirement may be waived for such good cause, including, but not limited to, illness or hardship, as defined by rules of the Department.

(c) The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

~~Any licensee seeking renewal of his or her license during the renewal cycle beginning April 1, 2008 must first complete a tested educational course in the use of oral pharmaceutical agents for the management of ocular conditions, as approved by the Board.~~

(d) Any optometrist who has permitted the optometrist's ~~his or her~~ license to expire or who has had the optometrist's ~~his or her~~ license on inactive status may have the optometrist's ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of the optometrist's ~~his or her~~ fitness to have the optometrist's ~~his or her~~ license restored and by paying the required fees. Such proof of fitness may include evidence certifying to active lawful practice in another jurisdiction and must include proof of the completion of the continuing education requirements specified in the rules for the preceding license renewal period that has been completed during the 2 years prior to the application for license restoration.

(e) The Department shall determine, by an evaluation program established by rule, an optometrist's ~~his or her~~ fitness for restoration of the optometrist's ~~his or her~~ license and shall establish procedures and requirements for such restoration.

However, any optometrist whose license expired while the person ~~he or she~~ was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the person's ~~his or her~~ license restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training, or education, the person ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the person ~~he or she~~ has been so engaged and that the person's ~~his or her~~ service, training, or education has been so terminated.

(f) All licenses without "Therapeutic Certification" on March 31, 2006 shall be placed on nonrenewed ~~non-renewed~~ status and may only be renewed after the licensee meets those requirements established by the Department that may not be waived. All licensees on March 31, 2010 without a certification of completion of an oral pharmaceutical course as required by this Section shall be placed on nonrenewed ~~non-renewed~~ status and may only be renewed after the licensee meets those requirements established by the Department that may not be waived.

(Source: P.A. 95-242, eff. 1-1-08; 96-270, eff. 1-1-10.)

(225 ILCS 80/17) (from Ch. 111, par. 3917)

(Section scheduled to be repealed on January 1, 2027)

Sec. 17. Inactive status.

(a) Any optometrist who notifies the Department in writing on forms prescribed by the Department, may elect to place the optometrist's ~~his or her~~ license on an inactive status and shall be excused from payment of renewal fees until the optometrist ~~he or she~~ notifies the Department in writing of the optometrist's ~~his~~ intent to restore the optometrist's ~~his or her~~ license.

(b) Any optometrist requesting restoration from inactive status shall be required to pay the current renewal fee, to provide proof of completion of the continuing education requirements specified in the rules for the preceding license renewal period that has been completed during the 2 years prior to the application for restoration, and to restore the optometrist's ~~his or her~~ license as provided by rule of the Department. All licenses without "Therapeutic Certification" that are on inactive status as of March 31, 2006 shall be placed on nonrenewed ~~non-renewed~~ status and may only be restored after the licensee meets those requirements established by the Department that may not be waived.

(c) Any optometrist whose license is in an expired or inactive status shall not practice optometry in the State of Illinois.

(d) Any licensee who shall practice while the optometrist's ~~his or her~~ license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under Section 24 subsection (a) of this Act.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/18) (from Ch. 111, par. 3918)

(Section scheduled to be repealed on January 1, 2027)

Sec. 18. Endorsement.

(a) The Department may, in its discretion, license as an optometrist, without examination on payment of the required fee, an applicant who is so licensed under the laws of another state or jurisdiction of the United States. The Department may issue a license, upon payment of the required fee and recommendation of the Board, to an individual applicant who is licensed in any foreign country or province whose standards, in the opinion of the Board or Department, were, at the date of the applicant's ~~his or her~~ licensure, substantially equivalent to the requirements then in force in this State; or if the applicant possesses individual qualifications and skills which demonstrate substantial equivalence to current Illinois requirements.

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

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/20) (from Ch. 111, par. 3920)

(Section scheduled to be repealed on January 1, 2027)

Sec. 20. Fund.

(a) All moneys received by the Department pursuant to this Act shall be deposited into ~~in~~ the Optometric Licensing and Disciplinary Board Fund, which is hereby created as a special fund in the State treasury ~~Treasury~~, and shall be used for the administration of this Act, including: (a) by the Board and Department in the exercise of its powers and performance of its duties; (b) for costs directly related to license renewal of persons licensed under this Act; and (c) for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Subject to appropriation, moneys in the Optometric Licensing and Disciplinary Board Fund may be used for the Optometric Education Scholarship Program administered by the Illinois Student Assistance Commission pursuant to Section 65.70 of the Higher Education Student Assistance Act.

(b) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-300)~~.

(c) Money in the Optometric Licensing and Disciplinary Board Fund may be invested and reinvested, with all earnings received from such investment to be deposited into ~~in~~ the Optometric Licensing and Disciplinary Board Fund and used for the same purposes as fees deposited into ~~in~~ such fund.

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/22) (from Ch. 111, par. 3922)

(Section scheduled to be repealed on January 1, 2027)

Sec. 22. Advertising.

(a) Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered provided that such advertising is truthful and not misleading and is in conformity with rules promulgated by the Department.

(b) It is unlawful for any person licensed under this Act to use claims of superior quality of care to entice the public.

(Source: P.A. 99-43, eff. 1-1-16.)

(225 ILCS 80/24) (from Ch. 111, par. 3924)

(Section scheduled to be repealed on January 1, 2027)

Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed $10,000 for each violation, with regard to any license for any one or combination of the causes set forth in subsection (a-3) of this Section. All fines collected under this Section shall be deposited into ~~in~~ the Optometric Licensing and Disciplinary Board Fund. Any fine imposed shall be payable within 60 days after the effective date of the order imposing the fine.

(a-3) Grounds for disciplinary action include the following:

(1) Violations of this Act, or of the rules promulgated hereunder.

(2) Conviction of or entry of a plea of guilty to any crime under the laws of any U.S. jurisdiction thereof that is a felony or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

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

(4) Professional incompetence or gross negligence in the practice of optometry.

(5) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction.

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

(7) Failing, within 60 days, to provide information in response to a written request made by the Department that has been sent by certified or registered mail to the licensee's last known address.

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

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

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

(11) Violation of the prohibition against fee splitting in Section 24.2 of this Act.

(12) A finding by the Department that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status has violated the terms of probation.

(13) Abandonment of a patient.

(14) Willfully making or filing false records or reports in the licensee's ~~his or her~~ practice, including, but not limited to, false records filed with State agencies or departments.

(15) Willfully failing to report an instance of suspected abuse or neglect as required by law.

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

(17) Solicitation of professional services other than permitted advertising.

(18) Failure to provide a patient with a copy of the patient's ~~his or her~~ record or prescription in accordance with federal law.

(19) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of optometry, conviction in this or another State of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

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

(21) Continued practice by a person knowingly having an infectious or contagious disease.

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

(23) Practicing or attempting to practice under a name other than the full name as shown on the licensee's ~~his or her~~ license.

(24) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct or sexual exploitation, related to the licensee's practice.

(25) Maintaining a professional relationship with any person, firm, or corporation when the optometrist knows, or should know, that such person, firm, or corporation is violating this Act.

(26) Promotion of the sale of drugs, devices, appliances or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(27) Using the title "Doctor" or its abbreviation without further qualifying that title or abbreviation with the word "optometry" or "optometrist".

(28) Use by a licensed optometrist of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where optometry may be practiced or demonstrated unless the licensee is employed by and practicing at a location that is licensed as a hospital or accredited as a school or university.

(29) Continuance of an optometrist in the employ of any person, firm or corporation, or as an assistant to any optometrist or optometrists, directly or indirectly, after the optometrist's ~~his or her~~ employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of optometry, when the employer or superior persists in that violation.

(30) The performance of optometric service in conjunction with a scheme or plan with another person, firm or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of optometry.

(31) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Board and approved by the Secretary. Exceptions for extreme hardships are to be defined by the rules of the Department.

(32) Willfully making or filing false records or reports in the practice of optometry, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(33) Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(34) In the absence of good reasons to the contrary, failure to perform a minimum eye examination as required by the rules of the Department.

(35) Violation of the Health Care Worker Self-Referral Act.

The Department shall refuse to issue or shall suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(a-5) In enforcing this Section, the Board or Department, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed optometrist. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board or Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board or Department finds an individual unable to practice because of the reasons set forth in this Section, the Board or Department shall require such individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual, or the Board may recommend to the Department to file a complaint to suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have the individual's ~~his or her~~ license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume the licensee's ~~his or her~~ practice.

(Source: P.A. 99-43, eff. 1-1-16; 99-909, eff. 1-1-17.)

(225 ILCS 80/24.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 24.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in this Section 24.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, whether or not the worker is employed, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with the licensee's ~~his or her~~ license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing optometry through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act;

(2) the entity is organized under the Professional Services Corporation Act or the Professional Association Act;

(3) the entity is (i) a licensed hospital or hospital affiliate or (ii) a licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians or optometrists; or

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c).

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(i) the licensee or the licensee's practice under subsection (c) at all times controls the amount of fees charged and collected; and

(ii) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c), a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) Nothing contained in this Section prohibits the payment of rent or other remunerations paid to an individual, partnership, or corporation by a licensee for the lease, rental, or use of space, owned or controlled by the individual, partnership, corporation, or association.

(h) Nothing contained in this Section prohibits the payment, at no more than fair market value, to an individual, partnership, or corporation by a licensee for the use of staff, administrative services, franchise agreements, marketing required by franchise agreements, or equipment owned or controlled by the individual, partnership, or corporation, or the receipt thereof by a licensee.

(Source: P.A. 96-608, eff. 8-24-09; 97-563, eff. 8-25-11.)

(225 ILCS 80/25) (from Ch. 111, par. 3925)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25. Returned checks; fines.

(a) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license.

(b) The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing.

(c) If, after termination or denial, the person seeks a license, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application.

(d) The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/26.1) (from Ch. 111, par. 3926.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.1. Injunctions; criminal offenses; cease and desist orders.

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

(b) If any person shall practice as an optometrist or hold oneself ~~himself or herself~~ out as an optometrist without being licensed under the provisions of this Act then any licensed optometrist, any interested party or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

Whoever knowingly practices or offers to practice optometry in this State without being licensed for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction, shall be guilty of a Class 4 felony. Notwithstanding any other provision of this Act, all criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Optometric Licensing and Disciplinary Board Fund.

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

(Source: P.A. 94-556, eff. 9-11-05; 94-787, eff. 5-19-06.)

(225 ILCS 80/26.2) (from Ch. 111, par. 3926.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.2. Investigation; notice. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct the accused ~~him or her~~ to file the accused's ~~his or her~~ written answer to the Board under oath within 20 days after the service on the accused ~~him or her~~ of the notice and inform the accused ~~him or her~~ that if the accused ~~he or she~~ fails to file an answer default will be taken against the accused ~~him or her~~ and the accused's ~~his or her~~ license may be suspended, revoked, placed on probationary status, or have other

disciplinary action, including limiting the scope, nature or extent of the accused's ~~his or her~~ practice, as the Department may deem proper taken with regard thereto. The written notice and any notice in the subsequent proceeding may be served by personal delivery or by regular or certified mail to the applicant's or licensee's address of record. In case the person fails to file an answer after receiving notice, the person's ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Department may continue the hearing from time to time. At the discretion of the Secretary after having first received the recommendation of the Board, the accused person's license may be suspended, revoked, placed on probationary status, or whatever disciplinary action as the Secretary may deem proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.
(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/26.7) (from Ch. 111, par. 3926.7)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.7. Hearing officer. Notwithstanding the provisions of Section 26.6 of this Act, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a license. The hearing officer shall have full authority to conduct the hearing. The Board shall have the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report the hearing officer's ~~his or her~~ findings of fact, conclusions of law and recommendations to the Board and the Secretary. The Board shall review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Secretary disagrees in any regard with the report of the Board or hearing officer, the Secretary ~~he or she~~ may issue an order in contravention thereof. The Secretary shall specify with particularity the reasons for such action in the final order.
(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/26.13) (from Ch. 111, par. 3926.13)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.13. Temporary suspension. The Secretary may temporarily suspend the license of an optometrist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 26.2 of this Act, if the Secretary finds that evidence in the Secretary's ~~his or her~~ possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary suspends, temporarily, this license without a hearing, a hearing by the Department must be held within 30 days after such suspension has occurred, and be concluded without appreciable delay.
(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/26.14) (from Ch. 111, par. 3926.14)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.14. Administrative Review Law; venue.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the "Administrative Review Law", as amended, and all rules are adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; but if the party is not a resident of this State, venue shall be Sangamon County.
(Source: P.A. 97-333, eff. 8-12-11.)

Section 35. The Illinois Physical Therapy Act is amended by changing Section 2 as follows:

(225 ILCS 90/2) (from Ch. 111, par. 4252)

(Section scheduled to be repealed on January 1, 2031)

Sec. 2. Licensure requirement; exempt activities. No person shall after the date of August 31, 1965 begin to practice physical therapy in this State or hold oneself out as being able to practice this profession, unless the person is licensed as such in accordance with the provisions of this Act. After July 1, 1991 (the effective date of Public Act 86-1396), no person shall practice or hold oneself out as a physical therapist

assistant unless the person is licensed as such under this Act. A physical therapist shall use the initials "PT" in connection with the physical therapist's name to denote licensure under this Act, and a physical therapist assistant shall use the initials "PTA" in connection with the physical therapist assistant's name to denote licensure under this Act.

This Act does not prohibit:

(1) Any person licensed in this State under any other Act from engaging in the practice for which the person is licensed.

(2) The practice of physical therapy by those persons, practicing under the supervision of a licensed physical therapist and who have met all of the qualifications as provided in Sections 8 and ~~7,~~ 8.1~~, and 9~~ of this Act, until the next examination is given for physical therapists or physical therapist assistants and the results have been received by the Department and the Department has determined the applicant's eligibility for a license. Anyone failing to pass said examination shall not again practice physical therapy until such time as an examination has been successfully passed by such person.

(3) The practice of physical therapy for a period not exceeding 6 months by a person who is in this State on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapist as set forth in Sections 7 and 8 of this Act and is licensed in another state as a physical therapist.

(4) Practice of physical therapy by qualified persons who have filed for endorsement for no longer than one year or until such time that notification of licensure has been granted or denied, whichever period of time is lesser.

(5) One or more licensed physical therapists from forming a professional service corporation under the provisions of the Professional Service Corporation Act and licensing such corporation for the practice of physical therapy.

(6) Physical therapy aides from performing patient care activities under the on-site supervision of a licensed physical therapist or licensed physical therapist assistant. These patient care activities shall not include interpretation of referrals, evaluation procedures, the planning of or major modifications of, patient programs.

(7) Physical therapist assistants from performing patient care activities under the general supervision of a licensed physical therapist. The physical therapist must maintain continual contact with the physical therapist assistant including periodic personal supervision and instruction to ensure the safety and welfare of the patient.

(8) The practice of physical therapy by a physical therapy student or a physical therapist assistant student under the on-site supervision of a licensed physical therapist. The physical therapist shall be readily available for direct supervision and instruction to ensure the safety and welfare of the patient.

(9) The practice of physical therapy as part of an educational program by a physical therapist licensed in another state or country for a period not to exceed 6 months.

(10) (Blank).

(Source: P.A. 104-154, eff. 1-1-26; 104-417, eff. 8-15-25.)

Section 40. The Boxing and Full-contact Martial Arts Act is amended by changing Sections 1, 2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17.7, 17.8, 18, 19, 19.1, 23, 23.1, 24, and 25.1 as follows:

(225 ILCS 105/1) (from Ch. 111, par. 5001)

(Section scheduled to be repealed on January 1, 2027)

Sec. 1. Short title and definitions.

(a) This Act may be cited as the Boxing and Full-contact Martial Arts Act.

(b) As used in this Act:

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

"Secretary" means the Secretary of Financial and Professional Regulation or a person authorized by the Secretary to act in the Secretary's stead.

"Board" means the State of Illinois Athletic Board.

"License" means the license issued for promoters, professional contestants, amateur contestants ~~professionals, amateurs~~, or professional or amateur officials in accordance with this Act.

"Contest" means a boxing or full-contact martial arts competition in which contestants compete against each other in matched bouts ~~all of the participants competing against one another are professionals or amateurs~~ and where the public is able to attend or a fee is charged to attend.

"Permit" means the authorization from the Department to a promoter to conduct a contest ~~professional or amateur contests, or a combination of both~~.

"Professional promoter ~~Promoter~~" means a person who is licensed and who holds a permit to conduct professional or amateur contests, or a combination of both.

"Amateur promoter" means a person who is licensed and who holds a permit to conduct amateur contests.

Unless the context indicates otherwise, "person" includes, but is not limited to, an individual, association, organization, business entity, gymnasium, or club.

"Judge" means a person licensed by the Department who is located at ringside or adjacent to the fighting area during a contest and who has the responsibility of scoring the performance of the contestants ~~participants~~ in that ~~professional or amateur~~ contest.

"Referee" means a person licensed by the Department who has the general supervision of and is present inside of the ring or fighting area during a ~~professional or amateur~~ contest.

"Amateur contest" means a contest where only amateur contestants are permitted to compete.

"Amateur contestant" means a contestant ~~person~~ licensed by the Department who is not competing for, and has never received or competed for, any purse or other article of value, directly or indirectly, either for participating in any contest or for the expenses of training therefor, other than a non-monetary prize that does not exceed $50 in value.

"Amateur official" means a referee or judge who is licensed by the Department to participate as an official in amateur contests.

"Professional contestant" means a contestant ~~person~~ licensed by the Department who competes for a money prize, purse, or other type of compensation in a professional contest ~~held in Illinois~~.

"Professional official" means a person who is in the role of a second, referee, matchmaker, timekeeper, or judge who is licensed by the Department and permitted to participate as an official in any type of contest.

"Professional contest" means a contest where only professional contestants are permitted to compete or a contest where both professional contestants and amateur contestants are permitted to compete.

"Second" means a person ~~licensed by the Department~~ who is present at any ~~professional or amateur~~ contest to provide assistance or advice to contestants ~~a professional~~ during the contest.

"Matchmaker" means a person ~~licensed by the Department~~ who arranges professional or amateur contestants by record and skill level for bouts and submits those matches to the Department for consideration ~~brings together professionals or amateurs~~ to compete in contests.

"Manager" means a person ~~licensed by the Department~~ who is not a promoter and who, under contract, agreement, or other arrangement, undertakes to, directly or indirectly, control or administer the affairs of contestants.

"Timekeeper" means a person ~~licensed by the Department~~ who is the official timer of the length of rounds and the intervals between the rounds.

"Purse" means the financial guarantee or any other remuneration for which contestants are participating in a professional contest.

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

"Martial arts" means a discipline or combination of different disciplines that utilizes sparring techniques without the intent to injure, disable, or incapacitate one's opponent, such as, but not limited to, Karate, Kung Fu, Jujutsu, and Tae Kwon Do.

"Full-contact martial arts" means the use of a singular discipline or a combination of techniques from different disciplines of the martial arts, including, without limitation, full-force grappling, kicking, and striking with the intent to injure, disable, or incapacitate one's opponent.

"Contestant" means a person who competes in either a boxing or full-contact martial arts contest.

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit.

"Bout" means one match between 2 contestants.

"Sanctioning body" means an organization approved by the Department under the requirements and standards stated in this Act and the rules adopted under this Act to act as a governing body that sanctions professional or amateur ~~full-contact martial arts~~ contests.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/2) (from Ch. 111, par. 5002)

(Section scheduled to be repealed on January 1, 2027)

Sec. 2. State of Illinois Athletic Board.

(a) The Secretary shall appoint members to the State of Illinois Athletic Board. The Board shall consist of 7 members who shall serve in an advisory capacity to the Secretary. One member of the Board shall be a physician licensed to practice medicine in all of its branches. One member of the Board shall be a member of the full-contact martial arts community. One member of the Board shall be a member of either the full-contact martial arts community or the boxing community.

(b) Board members shall serve 5-year terms and until their successors are appointed and qualified.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the martial arts and boxing industry.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) No member shall be appointed to the Board for a term that would cause the member's ~~his or her~~ continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) The Secretary may terminate the appointment of any member for cause that in the opinion of the Secretary reasonably justified such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(g) Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

(h) Four members of the Board shall constitute a quorum. A quorum is required for Board decisions.

(i) Members of the Board shall have no liability in any action based upon activity performed in good faith as members of the Board.

(j) Members of the Board may be reimbursed for all legitimate, necessary, and authorized expenses.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/5) (from Ch. 111, par. 5005)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Powers and duties of the Department. The Department shall, subject to the provisions of this Act, exercise the following functions, powers, and duties:

(1) Ascertain the qualifications and fitness of applicants for licenses ~~license~~ and permits.

(2) Adopt rules required for the administration of this Act.

(3) Conduct hearings on proceedings to refuse to issue, renew, or restore licenses and revoke, suspend, place on probation, or reprimand those licensed under the provisions of this Act.

(4) Issue licenses to those who meet the qualifications of this Act and its rules.

(5) Conduct investigations related to possible violations of this Act.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/6) (from Ch. 111, par. 5006)

(Section scheduled to be repealed on January 1, 2027)

Sec. 6. Restricted contests and events.

(a) All professional and amateur contests, or a combination of both, in which physical contact is made are prohibited in Illinois unless authorized by the Department pursuant to the requirements and standards stated in this Act and the rules adopted pursuant to this Act. This subsection (a) does not apply to any of the following contests or contestants:

(1) Amateur ~~boxing or full-contact martial arts~~ contests conducted by accredited secondary schools, colleges, or universities, although a fee may be charged.

(2) Amateur boxing contests that are sanctioned by USA Boxing or any other sanctioning body ~~organization~~ approved by the Department as determined by rule.

(3) Amateur boxing contests conducted by a State, county, or municipal entity, including those events held by any agency organized under these entities.

(4) Amateur martial arts contests that are not defined as full-contact martial arts contests under this Act.

(5) Full-contact martial arts contests, as defined by this Act, that are recognized by the International Olympic Committee or are contested in the Olympic Games and are not conducted in an enclosed fighting area or ring.

No other ~~amateur boxing or full-contact martial arts~~ contests are ~~shall be~~ permitted unless authorized by the Department.

(b) The Department shall have the authority to determine whether a ~~professional or amateur~~ contest is exempt for purposes of this Section.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/7) (from Ch. 111, par. 5007)

(Section scheduled to be repealed on January 1, 2027)

Sec. 7. Authorization to conduct contests; sanctioning bodies.

(a) In order to conduct a professional contest, an amateur contest, or a combination of both, in this State, a promoter shall obtain a permit issued by the Department in accordance with this Act and the rules ~~and regulations~~ adopted pursuant thereto. This permit shall authorize one or more ~~professional or amateur~~ contests~~, or a combination of both~~.

(b) Pursuant to rules adopted by the Department ~~Before January 1, 2023~~, amateur boxing ~~full-contact martial arts~~ contests must have a permit issued by the Department ~~be registered~~ and be sanctioned by a sanctioning body approved by the Department for that purpose under the requirements and standards stated in this Act and the rules adopted under this Act.

(c) A ~~On and after January 1, 2023, a~~ promoter for an amateur full-contact martial arts contest shall obtain a permit issued by the Department under the requirements and standards set forth in this Act and the rules adopted under this Act.

(d) The ~~On and after January 1, 2023, the~~ Department shall not approve any sanctioning body for amateur full-contact martial arts contests. A sanctioning body's approval by the Department for amateur full-contact martial arts contests that was received before the effective date of this amendatory Act of the 104th General Assembly ~~before January 1, 2023~~ is withdrawn ~~on January 1, 2023~~.

(e) A permit issued under this Act is not transferable.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/8) (from Ch. 111, par. 5008)

(Section scheduled to be repealed on January 1, 2027)

Sec. 8. Permits.

(a) A promoter who desires to obtain a permit to conduct a ~~professional or amateur~~ contest~~, or a combination of both,~~ shall apply to the Department at least 30 calendar days prior to the event, in writing or electronically, on forms prescribed by the Department. The application shall be accompanied by the required fee and shall contain, but not be limited to, the following information to be submitted at times specified by rule:

(1) the legal names and addresses of the promoter;

(2) the name of the matchmaker;

(3) the time and exact location of the professional or amateur contest, or a combination of both. It is the responsibility of the promoter to ensure that the building to be used for the event complies with all laws, ordinances, and regulations in the city, town, village, or county where the contest is to be held;

(4) the signed and executed copy of the event venue lease agreement; and

(5) the initial list of names of the professionals or amateurs competing subject to Department approval.

(b) The Department may issue a permit to any promoter who meets the requirements of this Act and the rules. The permit shall only be issued for a specific date and location of a ~~professional or amateur~~ contest~~, or a combination of both,~~ and shall not be transferable. The Department may allow a promoter to amend a permit application to hold a ~~professional or amateur~~ contest~~, or a combination of both,~~ in a different location other than the application specifies if all requirements of this Section are met, waiving the 30-day provision of subsection (a).

(c) The Department shall be responsible for assigning the judges, timekeepers, referees, and physicians for a professional contest, an amateur contest, or a combination of both. The Department may, at its sole discretion, permit a promoter to assign a physician to a contest. Compensation shall be determined by the Department, and it shall be the responsibility of the promoter to pay the individuals utilized.

(d) The promoter shall submit the following documents to the Department at times specified by rule:

(1) proof of adequate security measures, as determined by rule, to ensure the protection of the safety of contestants and the general public while attending professional contests, amateur contests, or a combination of both;

(2) proof of adequate medical supervision, as determined by rule, to ensure the protection of the health and safety of contestants ~~professionals or amateurs~~ while participating in contests;

(3) the complete and final list of names of the contestants ~~professionals or amateurs~~ competing, subject to Department approval, which shall be submitted up to 48 hours prior to the event date specified in the permit;

(4) proof of insurance for not less than $50,000 as further defined by rule for each contestant ~~professional or amateur~~ participating in a ~~professional or amateur~~ contest~~, or a combination of both~~; insurance required under this paragraph shall cover: (i) hospital, medication, physician, and other such expenses as would accrue in the treatment of an injury as a result of the ~~professional or amateur~~ contest; (ii) payment to the estate of the contestant ~~professional or amateur~~ in the event of the contestant's ~~his or her~~ death as a result of the contestant's ~~his or her~~ participation in the ~~professional or amateur~~ contest; and (iii) accidental death and dismemberment; the terms of the insurance coverage shall require the promoter, not the ~~licensed~~ contestant, to pay the policy deductible for the medical, surgical, or hospital care of a contestant for injuries a contestant sustained while engaged in a contest; if a ~~licensed~~ contestant pays for the medical, surgical, or hospital care, the insurance proceeds shall be paid to the contestant or the contestant's ~~his or her~~ beneficiaries as reimbursement for such payment;

(5) the amount of the purses to be paid to the professional contestant ~~professionals~~ for the event ~~as determined by rule~~;

(6) organizational or internationally accepted rules, per discipline, for ~~professional or amateur full contact martial arts~~ contests if the Department does not provide the rules for Department approval; and

(7) any other information the Department may require, as determined by rule, to issue a permit.

(e) If the accuracy, relevance, or sufficiency of any submitted documentation is questioned by the Department because of lack of information, discrepancies, or conflicts in information given or a need for clarification, the promoter seeking a permit may be required to provide additional information.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/10) (from Ch. 111, par. 5010)

(Section scheduled to be repealed on January 1, 2027)

Sec. 10. Who must be licensed.

(a) In order to participate in contests the following persons must each be licensed and in good standing with the Department:

(1) professional contestants and amateur contestants;

(2) seconds for professional contests;

(3) referees for professional and amateur contests;

(4) judges for professional and amateur contests;

(5) managers for professional contests;

(6) matchmakers for professional contests; and

(7) timekeepers for professional contests.

Seconds, managers, matchmakers, and timekeepers participating in amateur contests are not required to be licensed. ~~(a) professionals and amateurs, (b) seconds, (c) referees, (d) judges, (e) managers, (f) matchmakers, and (g) timekeepers.~~

(b) In order to hold a contest ~~participate in professional or amateur contests or a combination of both~~, promoters must be licensed and in good standing with the Department.

(c) Announcers may participate in ~~professional or amateur~~ contests~~, or a combination of both,~~ without being licensed under this Act. It shall be the responsibility of the promoter to ensure that announcers comply with the Act, and all rules and regulations promulgated pursuant to this Act.

(d) A licensed promoter may not act as, and cannot be licensed as, a second, contestant ~~professional~~, referee, timekeeper, judge, or manager. If the promoter ~~he or she~~ is so licensed, the promoter ~~he or she~~ must

relinquish any of these licenses to the Department for cancellation. A person possessing a valid promoter's license may act as a matchmaker.

(e) (Blank). ~~Participants in amateur full contact martial arts contests taking place before January 1, 2023 are not required to obtain licenses by the Department, except for promoters of amateur contests.~~

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/11) (from Ch. 111, par. 5011)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11. Qualifications for license. The Department shall grant licenses to the following persons if the following qualifications are met:

(1) An applicant for licensure as a professional or amateur must: (1) be 18 years old, (2) be of good moral character, (3) file an application stating the applicant's legal name (and no assumed or ring name may be used unless such name is registered with the Department along with the applicant's legal name), date of birth, place of current residence, and a sworn statement that the applicant ~~he or she~~ is not currently in violation of any federal, State or local laws or rules governing boxing or full-contact martial arts, (4) file a certificate from a physician licensed to practice medicine in all of its branches which attests that the applicant is physically fit and qualified to participate in ~~professional or amateur~~ contests, and (5) pay the required fee and meet any other requirements as determined by rule. Applicants over age 35 who have not competed in a ~~professional or amateur~~ contest within the 12 months preceding their application for licensure or have insufficient experience to participate in a ~~professional or amateur~~ contest may be required to appear before the Department to determine their fitness to participate in a ~~professional or amateur~~ contest.

(2) An applicant for licensure as a referee, judge, manager, second, matchmaker, or timekeeper must: (1) be of good moral character, (2) file an application stating the applicant's name, date of birth, and place of current residence along with a certifying statement that the applicant ~~he or she~~ is not currently in violation of any federal, State, or local laws or rules governing boxing, or full-contact martial arts, (3) have had satisfactory experience in the applicant's ~~his or her~~ field as defined by rule, (4) pay the required fee, and (5) meet any other requirements as determined by rule.

(3) An applicant for licensure as a promoter must: (1) be of good moral character, (2) file an application with the Department stating the applicant's name, date of birth, place of current residence along with a certifying statement that the applicant ~~he or she~~ is not currently in violation of any federal, State, or local laws or rules governing boxing or full-contact martial arts, (3) pay the required fee and meet any other requirements as established by rule, and (4) in addition to the foregoing, an applicant for licensure as a promoter ~~of professional or amateur contests or a combination of both professional and amateur bouts in one contest~~ shall also provide (i) proof of a surety bond of no less than $5,000 to cover financial obligations under this Act, payable to the Department and conditioned for the payment of the tax imposed by this Act and compliance with this Act, and the rules adopted under this Act, and (ii) a $10,000 performance bond guaranteeing payment of all obligations relating to the promotional activities payable to the Department and conditioned for the payment of the tax imposed by this Act and its rules.

(4) All applicants shall submit an application to the Department, in writing or electronically, on forms prescribed by the Department, containing such information as determined by rule.

In determining good moral character, the Department may take into consideration any violation of any of the provisions of Section 16 of this Act as to referees, judges, managers, matchmakers, timekeepers, or promoters and any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure. No license issued under this Act is transferable.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/12) (from Ch. 111, par. 5012)

(Section scheduled to be repealed on January 1, 2027)

Sec. 12. Contests ~~Professional or amateur contests~~.

(a) A ~~The professional or amateur~~ contest~~, or a combination of both,~~ shall be held in an area where adequate neurosurgical facilities are immediately available for skilled emergency treatment of an injured contestant ~~professional or amateur~~.

(b) Each contestant ~~professional or amateur~~ shall be examined before the contest and promptly after each bout by a physician. The physician shall determine, prior to the contest, if each contestant ~~professional or amateur~~ is physically fit to compete in the contest. After the bout the physician shall examine the contestant ~~professional or amateur~~ to determine possible injury. If the contestant's ~~professional's or amateur's~~

physical condition so indicates, the physician shall recommend to the Department immediate medical suspension. The physician or a licensed paramedic must check the vital signs of all contestants as established by rule.

(c) The physician may, at any time during the ~~professional or amateur~~ bout, stop the ~~professional or amateur~~ bout to examine a ~~professional or amateur~~ contestant and may direct the referee to terminate the bout when, in the physician's opinion, continuing the bout could result in serious injury to the contestant ~~professional or amateur~~. If the contestant's ~~professional's or amateur's~~ physical condition so indicates, the physician shall recommend to the Department immediate medical suspension. The physician shall certify to the condition of the contestant ~~professional or amateur~~ in writing, over the physician's ~~his or her~~ signature on forms prescribed by the Department. Such reports shall be submitted to the Department in a timely manner.

(d) No ~~professional or amateur~~ contest~~, or a combination of both,~~ shall be allowed to begin or be held unless at least one physician, at least one EMT and one paramedic, and one ambulance have been contracted with solely for the care of contestants ~~professionals or amateurs~~ who are competing as defined by rule.

(e) No professional boxing bout shall be more than 12 rounds in length. The rounds shall not be more than 3 minutes each with a minimum one-minute interval between them.~~, and no~~

(e-5) No contestant ~~professional boxer~~ shall be permitted ~~allowed~~ to participate in more than one contest within a ~~7 day~~ period determined by rule.

(e-10) The number and length of rounds for all other full-contact martial arts bouts ~~professional or amateur boxing or full-contact martial arts contests, or a combination of both,~~ shall be determined by rule.

(f) The number and types of amateur or professional officials required for each ~~professional or amateur~~ contest~~, or a combination of both,~~ shall be determined by the Department based on how many bouts are to be held at the contest ~~rule~~.

(g) The Department or its representative shall have discretion to declare a price, remuneration, or purse or any part of it belonging to the professional withheld if in the judgment of the Department or its representative the professional is not honestly competing.

(h) The Department shall have the authority to prevent a ~~professional or amateur~~ contest~~, or a combination of both,~~ from being held and shall have the authority to stop a ~~professional or amateur~~ contest~~, or a combination of both,~~ for noncompliance with any part of this Act or rules or when, in the judgment of the Department, or its representative, continuation of the event would endanger the health, safety, and welfare of the professionals or amateurs or spectators. The Department's authority to stop a contest on the basis that the ~~professional or amateur~~ contest~~, or a combination of both,~~ would endanger the health, safety, and welfare of the professionals or amateurs or spectators shall extend to any ~~professional or amateur~~ contest~~, or a combination of both,~~ regardless of whether that amateur contest is exempted from the prohibition in Section 6 of this Act.

(i) A professional contestant shall only compete against another professional contestant. An amateur contestant shall only compete against another amateur contestant. A contest may involve bouts between professional contestants and bouts between amateur contestants, but a professional contestant shall not compete against an amateur contestant.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/14) (from Ch. 111, par. 5014)

(Section scheduled to be repealed on January 1, 2027)

Sec. 14. Failure to report ticket sales and tax. If the permit holder fails to make a report as required by Section 13, or if such report is unsatisfactory, the Department may examine or cause to be examined the books and records of any such holder or the holder's ~~his~~ associates or any other person as a witness under oath to determine the total amount of tax due under this Act.

If it is determined that there has been a default in the payment of a tax, the promoter shall be given 20 days' ~~days~~ notice of the amount due which shall include the expenses incurred in making the examination.

If the promoter does not pay the amount due, the promoter ~~he~~ shall be disqualified from obtaining a permit under this Act and the Attorney General shall institute suit upon the bond filed pursuant to this Act to recover the tax or penalties imposed by this Act.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/15) (from Ch. 111, par. 5015)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Inspectors. The Secretary may appoint inspectors to assist the Department staff in the administration of the Act. Each inspector appointed by the Secretary shall receive compensation for each

day the inspector ~~he or she~~ is engaged in the transacting of business of the Department. The inspector or inspectors shall supervise each professional contest, amateur contest, or combination of both and, at the Department's discretion, may supervise any contest to ensure that the provisions of the Act are strictly enforced.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/16) (from Ch. 111, par. 5016)

(Section scheduled to be repealed on January 1, 2027)

Sec. 16. Discipline and sanctions.

(a) The Department may refuse to issue a permit or license or refuse to renew, suspend, revoke, reprimand, place on probation, or take such other disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines not to exceed $10,000 for each violation, with regard to any permit or license for one or any combination of the following reasons:

(1) gambling, betting, or wagering on the result of or a contingency connected with a ~~professional or amateur~~ contest~~, or a combination of both,~~ or permitting such activity to take place;

(2) participating in or permitting a sham or fake ~~professional or amateur~~ contest, or a combination of both;

(3) holding the ~~professional or amateur~~ contest~~, or a combination of both,~~ at any other time or place than is stated on the permit application;

(4) permitting any contestant ~~professional or amateur~~ other than those stated on the permit application to participate in a ~~professional or amateur~~ contest~~, or a combination of both~~, except as provided in Section 9;

(5) violation or aiding in the violation of any of the provisions of this Act or any rules or regulations promulgated thereto;

(6) violation of any federal, State, or local laws of the United States or other jurisdiction governing ~~professional or amateur~~ contests or any regulation promulgated pursuant thereto;

(7) charging a greater rate or rates of admission than is specified on the permit application;

(8) failure to obtain all the necessary permits or licenses as required under this Act;

(9) failure to file the necessary bond or to pay the gross receipts or broadcast tax as required by this Act;

(10) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, or which is detrimental to honestly conducted contests;

(11) employment of fraud, deception or any unlawful means in applying for or securing a permit or license under this Act;

(12) permitting a physician making the physical examination to knowingly certify falsely to the physical condition of a contestant ~~professional or amateur~~;

(13) permitting professional ~~professionals~~ or amateur contestants ~~amateurs~~ of widely disparate weights or abilities to engage in ~~professional or amateur~~ contests, respectively;

(14) participating in a contest while under medical suspension in this State or in any other state, territory or country;

(15) physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skills which results in the inability to participate in contests with reasonable judgment, skill, or safety;

(16) allowing one's license or permit issued under this Act to be used by another person;

(17) failing, within 30 days ~~a reasonable time~~, to provide any information requested by the Department ~~as a result of a formal or informal complaint~~;

(18) professional incompetence;

(19) failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied;

(20) (blank);

(21) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an inability to participate in an event;

(22) failure to stop a ~~professional or amateur~~ contest~~, or a combination of both,~~ when requested to do so by the Department;

(23) failure of a promoter to adequately supervise and enforce this Act and its rules as applicable to amateur contests, as set forth in rule; or

(24) a finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, issuance of an order so finding and discharging the licensee.

(c) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department. The Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a physician licensed to practice medicine in all of its branches or a licensed and certified therapeutic optometrist. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension or revocation of a license.

(d) A contestant who tests positive for a banned substance, as defined by rule, shall have the contestant's ~~his or her~~ license immediately suspended. The license shall be subject to other discipline as authorized in this Section.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/17.7)

(Section scheduled to be repealed on January 1, 2027)

Sec. 17.7. Restoration of license from discipline.

(a) At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a license under this Act, the Department may restore the license to the licensee unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest.

(b) If circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring the licensee's ~~his or her~~ license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until allowed under the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration under this Section and a licensee restoring the licensee's ~~his or her~~ license from suspension or revocation must comply with the requirements for renewal as set forth in this Act and its rules.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/17.8)

(Section scheduled to be repealed on January 1, 2027)

Sec. 17.8. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender the licensee's ~~his or her~~ license to the Department. If the licensee fails to do so, the Department has the right to seize the license.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/18) (from Ch. 111, par. 5018)

(Section scheduled to be repealed on January 1, 2027)

Sec. 18. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days prior to the date set for the hearing: (i) notify, in writing, the accused of the charges made and the time and place for the hearing on the charges; (ii) direct the accused ~~him or her~~ to file a written answer to the charges, under oath, within 20 days after service of the notice; and (iii) inform the applicant or licensee that failure to file an answer will result in a default being entered against the applicant or licensee.

(c) Written or electronic notice, and any notice in the subsequent proceedings, may be served by personal delivery, by email, or by mail to the applicant or licensee at the applicant's or licensee's ~~his or her~~ address of record or email address of record.

(d) At the time and place fixed in the notice, the hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The hearing officer may continue the hearing from time to time.

(e) If the licensee or applicant, after receiving the notice, fails to file an answer, the license's or applicant's ~~his or her~~ license may, in the discretion of the Secretary, be suspended, revoked, or placed on probationary status or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/19) (from Ch. 111, par. 5019)

(Section scheduled to be repealed on January 1, 2027)

Sec. 19. Hearing; motion for rehearing.

(a) The hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the applicant or licensee. At the conclusion of the hearing, the hearing officer shall present to the Secretary a written report of the hearing officer's ~~his or her~~ findings of fact, conclusions of law, and recommendations.

(b) A copy of the hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing that shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the hearing officer, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/19.1) (from Ch. 111, par. 5019.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 19.1. Hearing officer. Notwithstanding any provision of this Act, the Secretary has the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or discipline a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report the hearing officer's ~~his or her~~ findings of fact, conclusions of law, and recommendations to the Secretary.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/23) (from Ch. 111, par. 5023)

(Section scheduled to be repealed on January 1, 2027)

Sec. 23. Fees.

(a) The fees for the administration and enforcement of this Act, including, but not limited to, original licensure, renewal, and restoration shall be set by rule. The fees shall not be refundable. All of the fees, taxes, and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

(b) (Blank). ~~Before January 1, 2023, there shall be no fees for amateur full-contact martial arts events; except that until January 1, 2023, the applicant fees for promoters of amateur events where only amateur bouts are held shall be $300.~~

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 23.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn

shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/24) (from Ch. 111, par. 5024)

(Section scheduled to be repealed on January 1, 2027)

Sec. 24. Unlicensed practice; violations; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself ~~himself or herself~~ out as being able to engage in practices requiring a license under this Act without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provision set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

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

(d) A person or entity not licensed under this Act who has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/25.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25.1. Medical suspension.

(a) A licensee who is determined by the examining physician or Department to be unfit to compete or officiate shall be prohibited from participating in a contest in Illinois and, if actively licensed, shall be medically suspended until it is shown that the licensee ~~he or she~~ is fit for further competition or officiating.

(b) If the referee has stopped the bout or rendered a decision of technical knockout against a contestant ~~professional or amateur~~, the contestant ~~professional or amateur~~ shall be medically suspended immediately for a period of not less than 30 days.

(c) In a full-contact martial arts contest, if the contestant ~~professional or amateur~~ has tapped out, has submitted, or the referee has stopped the bout, the Department, in consultation with the ringside physician, shall determine the length of suspension.

(d) If the contestant ~~professional or amateur~~ has been knocked unconscious, the contestant ~~he or she~~ shall be medically suspended immediately for a period of not less than 45 days.

(e) A contestant ~~licensee~~ may receive a medical suspension for any injury sustained as a result of a bout that shall not be less than 7 days.

(f) A contestant ~~licensee~~ may receive additional terms and conditions for a medical suspension beyond a prescribed passage of time as authorized under this Section.

(g) If a contestant ~~licensee~~ receives a medical suspension that includes terms and conditions in addition to the prescribed passage of time as authorized under this Section, before the removal of the medical suspension, a licensee shall:

(1) satisfactorily pass a Department-prescribed medical examination;

(2) provide those examination results to the Department;

(3) provide any additional requested documentation as directed by the licensee's examining physician or Department where applicable; and

(4) if the licensee's examining physician requires any necessary additional medical procedures during the examination related to the injury that resulted in the medical suspension, those results shall be provided to the Department.

(h) Any medical suspension imposed as authorized under this Act upon ~~against~~ a contestant ~~licensee~~ shall be reported to the Department's record keeper as determined by rule.

(i) A medical suspension as authorized under this Section shall not be considered a suspension under Section 16 of this Act. A violation of the terms of a medical suspension authorized under this Section shall subject a licensee to discipline under Section 16 of this Act.

(j) A ~~professional or amateur~~ contestant who has been placed on medical suspension under the laws of another state, the District of Columbia, or a territory of the United States for substantially similar reasons as this Section shall be prohibited from participating in a contest as authorized under this Act until the requirements of subsection (g) of this Section have been met or the medical suspension has been removed by that jurisdiction.

(k) A medical suspension authorized under this Section shall begin the day after the bout a licensee participated in.

(Source: P.A. 102-20, eff. 1-1-22.)

Section 45. The Sex Offender Evaluation and Treatment Provider Act is amended by changing Sections 10, 30, 35, 40, 45, 50, 65, 75, 85, 90, 95, 100, 105, 110, 115, 125, 130, 135, and 145 and by adding Section 10.5 as follows:

(225 ILCS 109/10)

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

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit.

"Associate sex offender provider" means a person licensed under this Act to conduct sex offender evaluations or provide sex offender treatment services under the supervision of a licensed sex offender evaluator or a licensed sex offender treatment provider.

~~"Board" means the Sex Offender Evaluation and Treatment Licensing and Disciplinary Board.~~

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

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Licensee" means a person who has obtained a license under this Act.

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

"Sex offender evaluation" means a sex-offender specific evaluation that systematically uses a variety of standardized measurements, assessments and information gathered collaterally and through face-to-face interviews. Sex-offender specific evaluations assess risk to the community; identify and document treatment and developmental needs, including safe and appropriate placement settings; determine amenability to treatment; and are the foundation of treatment, supervision, and placement recommendations.

"Sex offender evaluator" means a person licensed under this Act to conduct sex offender evaluations.

"Sex offender treatment" means a comprehensive set of planned therapeutic interventions and experiences to reduce the risk of further sexual offending and abusive behaviors by the offender. Treatment may include adjunct therapies to address the unique needs of the individual, but must include offense specific services by a treatment provider who meets the qualifications in Section 30 of this Act. Treatment focuses on the situations, thoughts, feelings, and behavior that have preceded and followed past offending (abuse cycles) and promotes change in each area relevant to the risk of continued abusive, offending, or deviant sexual behaviors. Due to the heterogeneity of the persons who commit sex offenses, treatment is provided based on the individualized evaluation and assessment. Treatment is designed to stop sex offending and abusive behavior, while increasing the offender's ability to function as a healthy, pro-social member of the community. Progress in treatment is measured by change rather than the passage of time.

"Sex offender treatment provider" means a person licensed under this Act to provide sex offender treatment.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/10.5 new)

Sec. 10.5. Address of record; email address of record. All applicants and licensees shall:

(1) Provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) Inform the Department of any change of address of record or email address of record within 14 days after such change, either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 109/30)

Sec. 30. Social Security Number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original, renewal, reinstated, or restored license under this Act shall include the applicant's Social Security number or individual taxpayer identification number.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/35)

Sec. 35. Qualifications for licensure.

(a)(1) A person is qualified for licensure as a sex offender evaluator if that person:

(A) has applied in writing on forms prepared and furnished by the Department;

(B) has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 75 of this Act; and

(C) satisfies the licensure and experience requirements of paragraph (2) of this subsection (a).

(2) A person who applies to the Department shall be issued a sex offender evaluator license by the Department if the person meets the qualifications set forth in paragraph (1) of this subsection (a) and provides evidence to the Department that the person:

(A) is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or licensed under the laws of another state; an advanced practice registered nurse with psychiatric specialty licensed under the Nurse Practice Act or licensed under the laws of another state; a clinical psychologist licensed under the Clinical Psychologist Licensing Act or licensed under the laws of another state; a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or licensed under the laws of another state; a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or licensed under the laws of another state; or a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or licensed under the laws of another state;

(B) has 400 hours of supervised experience in the treatment or evaluation of sex offenders in the last 4 years, at least 200 of which are face-to-face therapy or evaluation with sex offenders;

(C) has completed at least 10 sex offender evaluations under supervision in the past 4 years; and

(D) has at least 40 hours of documented training in the specialty of sex offender evaluation, treatment, or management.

~~Until January 1, 2015, the requirements of subparagraphs (B) and (D) of paragraph (2) of this subsection (a) are satisfied if the applicant has been listed on the Sex Offender Management Board's Approved Provider List for a minimum of 2 years before application for licensure. Until January 1, 2015, the requirements of subparagraph (C) of paragraph (2) of this subsection (a) are satisfied if the applicant has completed at least 10 sex offender evaluations within the 4 years before application for licensure.~~

(b)(1) A person is qualified for licensure as a sex offender treatment provider if that person:

(A) has applied in writing on forms prepared and furnished by the Department;

(B) has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 75 of this Act; and

(C) satisfies the licensure and experience requirements of paragraph (2) of this subsection (b).

(2) A person who applies to the Department shall be issued a sex offender treatment provider license by the Department if the person meets the qualifications set forth in paragraph (1) of this subsection (b) and provides evidence to the Department that the person:

(A) is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or licensed under the laws of another state; an advanced practice registered nurse with psychiatric specialty licensed under the Nurse Practice Act or licensed under the laws of another state; a clinical psychologist licensed under the Clinical Psychologist Licensing Act or licensed under the laws of another state; a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or licensed under the laws of another state; a licensed clinical professional

counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or licensed under the laws of another state; or a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or licensed under the laws of another state;

(B) has 400 hours of supervised experience in the treatment of sex offenders in the last 4 years, at least 200 of which are face-to-face therapy with sex offenders; and

(C) has at least 40 hours documented training in the specialty of sex offender evaluation, treatment, or management.

~~Until January 1, 2015, the requirements of subparagraphs (B) and (C) of paragraph (2) of this subsection (b) are satisfied if the applicant has been listed on the Sex Offender Management Board's Approved Provider List for a minimum of 2 years before application.~~

(c)(1) A person is qualified for licensure as an associate sex offender provider if that person:

(A) has applied in writing on forms prepared and furnished by the Department;

(B) has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 75 of this Act; and

(C) satisfies the education and experience requirements of paragraph (2) of this subsection (c).

(2) A person who applies to the Department shall be issued an associate sex offender provider license by the Department if the person meets the qualifications set forth in paragraph (1) of this subsection (c) and provides evidence to the Department that the person holds a master's degree or higher in social work, psychology, marriage and family therapy, counseling or closely related behavioral science degree, or psychiatry.

(Source: P.A. 100-201, eff. 8-18-17; 100-513, eff. 1-1-18.)

(225 ILCS 109/40)

Sec. 40. Application; exemptions.

(a) No person may act as a sex offender evaluator, sex offender treatment provider, or associate sex offender provider as defined in this Act for the provision of sex offender evaluations or sex offender treatment pursuant to the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act unless the person is licensed to do so by the Department. Any evaluation or treatment services provided by a licensed health care professional not licensed under this Act shall not be valid under the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act. No business shall provide, attempt to provide, or offer to provide sex offender evaluation services unless it is organized under the Professional Service Corporation Act, the Medical Corporation Act, or the Professional Limited Liability Company Act.

(b) Nothing in this Act shall be construed to require any licensed physician, advanced practice registered nurse, physician assistant, or other health care professional to be licensed under this Act for the provision of services for which the person is otherwise licensed. This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which the person ~~he or she~~ is licensed. This Act only applies to the provision of sex offender evaluations or sex offender treatment provided for the purposes of complying with the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act.

(Source: P.A. 99-227, eff. 8-3-15; 100-513, eff. 1-1-18.)

(225 ILCS 109/45)

Sec. 45. License renewal; restoration.

(a) The expiration date and renewal period for a license issued under this Act shall be set by rule. The holder of a license under this Act may renew that license during the 90-day ~~90-day~~ period immediately preceding the expiration date upon payment of the required renewal fees and demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

(b) A licensee who has permitted the licensee's ~~his or her~~ license to expire or who has had the licensee's ~~his or her~~ license on inactive status may have the ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department, as defined by rule, of the licensee's ~~his or her~~ fitness to have the ~~his or her~~ license restored, including evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

(c) A licensee whose license expired while the licensee ~~he or she~~ was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the ~~his or her~~ license renewed or restored without paying any lapsed renewal fees if within 2 years after honorable termination of service, training or education, the licensee ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the licensee ~~he or she~~ has been so engaged and that the licensee's ~~his or her~~ service, training or education has been terminated.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/50)

Sec. 50. Inactive status.

(a) A licensee who notifies the Department in writing on forms prescribed by the Department may elect to place the licensee's ~~his or her~~ license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the licensee ~~he or she~~ notifies the Department in writing of the licensee's ~~his or her~~ intent to restore the ~~his or her~~ license.

(b) A licensee requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the ~~his or her~~ license as provided in Section 45 of this Act.

(c) A licensee whose license is in an inactive status shall not practice in the State of Illinois.

(d) A licensee who provides sex offender evaluation or treatment services while the licensee's ~~his or her~~ license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under this Act.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/65)

Sec. 65. Payments; penalty for insufficient funds. A person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If after the expiration of 30 days from the date of the notification the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application without hearing. If after termination or denial the person seeks a license, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing the application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/75)

Sec. 75. Refusal, revocation, or suspension.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action, as the Department considers appropriate, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license or licensee for any one or more of the following:

(1) violations of this Act or of the rules adopted under this Act;

(2) discipline by the Department under other state law and rules which the licensee is subject to;

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

(4) professional incompetence;

(5) advertising in a false, deceptive, or misleading manner;

(6) aiding, abetting, assisting, procuring, advising, employing, or contracting with any unlicensed person to provide sex offender evaluation or treatment services contrary to any rules or provisions of this Act;

(7) engaging in immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice;

(8) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(9) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that the licensee ~~he or she~~ is not competent to perform;

(10) knowingly delegating professional responsibilities to a person unqualified by training, experience, or licensure to perform;

(11) failing to provide information in response to a written request made by the Department within 60 days;

(12) having a habitual or excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;

(13) having a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act;

(14) discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(15) a finding by the Department that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status, has violated the terms of probation;

(16) willfully making or filing false records or reports in the licensee's ~~his or her~~ practice, including, but not limited to, false records filed with State agencies or departments;

(17) making a material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;

(18) fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act;

(19) inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, or a mental illness or disability;

(20) charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered; or

(21) practicing under a false or, except as provided by law, an assumed name.

All fines shall be paid within 60 days of the effective date of the order imposing the fine.

(b) The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, to pay the tax, penalty, or interest shown in a filed tax return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(c) (Blank).

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

(e) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient.

(f) In enforcing this Act, the Department or Board, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or

physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physician shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

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

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

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

(Source: P.A. 100-872, eff. 8-14-18; 101-81, eff. 7-12-19.)

(225 ILCS 109/85)

Sec. 85. Violations; injunctions; cease and desist order.

(a) If a person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person engages in sex offender evaluation or treatment or holds oneself ~~himself or herself~~ out as licensee without having a valid license under this Act, then any licensee, any interested party or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department a person has violated any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person ~~him or her~~. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/90)

Sec. 90. Unlicensed practice; violation; civil penalty.

(a) A person who holds oneself ~~himself or herself~~ out to practice as a licensee without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions of this Act regarding a hearing for the discipline of a licensee.

(b) The Department may investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/95)

Sec. 95. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any person or persons holding or claiming to hold a license. Before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days before the date set for the hearing, the Department shall (i) notify the accused in writing of any charges made and the time and place for a hearing on the charges before the Department ~~Board~~, (ii) direct the accused ~~him or her~~ to file a written answer to the charges with the Department ~~Board~~ under oath within 20 days after the service on the accused ~~him or her~~ of the notice, and (iii) inform the accused ~~him or her~~ that if the accused ~~he or she~~ fails to file an answer, default will be taken against the accused ~~him or her~~ and the accused's ~~his or her~~ license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action is deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. Written notice may be served by ~~personal delivery or by registered or certified~~ mail to the applicant or licensee at the applicant's or licensee's ~~his or her~~ last address of record with the Department. In case the person fails to file an answer after receiving notice, the person's ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action is deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written answer shall be served by personal delivery, certified delivery, or certified or registered mail to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue the hearing from time to time. At the discretion of the Secretary after having first received the recommendation of the hearing officer ~~Board~~, the accused person's license may be suspended or revoked, if the evidence constitutes sufficient grounds for that action under this Act.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/100)

Sec. 100. Record of proceeding. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer ~~Board~~ and orders of the Department shall be in the record of the proceedings. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/105)

Sec. 105. Subpoenas; oaths; attendance of witnesses. The Department has the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary and ~~,~~ the designated hearing officer have the ~~, and every member of the Board has~~ power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department. A circuit court may, upon application of the Department or its designee, or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/110)

Sec. 110. Recommendations for disciplinary action. At the conclusion of the hearing, the hearing officer ~~Board~~ shall present to the Secretary a written report of the hearing officer's ~~its~~ findings and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The hearing officer ~~Board~~ shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.

The report of findings and recommendations of the hearing officer ~~Board~~ shall be the basis for the Department's order for refusal or for the granting of a license, or for any disciplinary action, unless the Secretary shall determine that the hearing officer's ~~Board's~~ report is contrary to the manifest weight of the evidence, in which case the Secretary may issue an order in contravention of the hearing officer's ~~Board's~~ report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/115)

Sec. 115. Rehearing. In a hearing involving disciplinary action against a licensee, a copy of the hearing officer's ~~Board's~~ report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after service, the respondent may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial, the Secretary may enter an order in accordance with recommendations of the hearing officer ~~Board~~, except as provided in this Act. If the respondent orders from the reporting service, and pays for, a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/125)

Sec. 125. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license, or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the ~~his or her~~ findings and recommendations to ~~the Board and~~ the Secretary. In the hearing officer's report, the hearing officer shall make a finding of whether or not the charged licensee or applicant violated a provision of this Act or any rules adopted under this Act. Upon presenting the report to the Secretary, the Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees with the report of the hearing officer, the Secretary may issue an order in contravention of the hearing officer's report. The finding by the hearing officer shall not be admissible in evidence against the person in a criminal prosecution brought for a violation of this Act nor shall a finding by the hearing officer be a bar to a criminal prosecution brought for a violation of this Act. ~~The Board has 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 calendar day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after receipt of the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after that order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of the order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30 day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary.~~ Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other hearing officer. If the Secretary disagrees with the recommendation of the ~~Board or the~~ hearing officer, the Secretary may issue an order in contravention of the recommendation.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/130)

Sec. 130. Order; certified copy. An order or a certified copy of the order, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

(a) that the signature is the genuine signature of the Secretary;

(b) that the Secretary is duly appointed and qualified; and

(c) (blank). ~~that the Board and its members are qualified to act.~~

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/135)

Sec. 135. Restoration. At any time after the suspension or revocation of a license, the Department may restore the license to the accused person, upon the filing of an application, the filing of proof of fitness acceptable to the Department, and the payment of the required restoration fee ~~written recommendation of the Board~~, unless after an investigation and a hearing the Department ~~Board~~ determines that restoration is not in the public interest.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/145)

Sec. 145. Summary suspension. The Secretary may summarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary finds that evidence in the Secretary's ~~his or her~~ possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of a licensee without a hearing, a hearing ~~by the Board~~ must be held within 30 calendar days after the suspension has occurred.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/70 rep.)

Section 50. The Sex Offender Evaluation and Treatment Provider Act is amended by repealing Section 70.

Section 55. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by changing Section 3D-5 as follows:

(225 ILCS 410/3D-5)

(Section scheduled to be repealed on January 1, 2031)

Sec. 3D-5. Requisites for ownership or operation of cosmetology, esthetics, hair braiding, and nail technology salons and barber shops.

(a) No person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation shall own or operate a cosmetology, esthetics, hair braiding, or nail technology salon or barber shop or employ, rent space to, or independently contract with any licensee under this Act without applying on forms provided by the Department for a certificate of registration. This registration shall be in addition to and shall not replace or supersede any other business license, registration, or permit that may be required by local municipalities or other governmental entities to own or operate a business in the governmental entity's jurisdiction. The issuance of a license, registration, or permit by a municipality or another governmental entity to a salon or shop shall not waive the requirement to obtain a certificate of registration from the Department to own or operate a salon or shop.

(b) The application for a certificate of registration under this Section shall set forth the name, address, and telephone number of the proposed cosmetology, esthetics, hair braiding, or nail technology salon or barber shop; the name, address, and telephone number of the person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation that is to own or operate the salon or shop; the license number of the owner or operator of the shop if they are licensed under the Act or the name and license number of the individual manager of the salon or shop; and, if the salon or shop is to be owned or operated by an entity other than an individual, the name, address, and telephone number of the managing partner or the chief executive officer of the corporation or other entity that owns or operates the salon or shop. A person who is not licensed under the Act may own or operate a salon or shop, but may not practice barbering, cosmetology, esthetics, hair braiding, or nail technology. An unlicensed owner or operator of a salon or shop shall employ at least one person as a manager who holds a license under the Act and manages the salon or shop. The licensed owner, operator, or manager of a salon or shop shall ensure that the salon or shop operates in compliance with this Act and any applicable rules, and

the owner's, operator's, or manager's name and license number shall be posted with the certificate of registration at the salon or shop.

(c) The Department shall be notified by the owner or operator of a salon or shop that is moved to a new location. If there is a change in the ownership or operation or manager of a salon or shop, the new owner, operator, or manager shall report that change to the Department along with completion of any additional requirements set forth by rule.

(d) If a person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation owns or operates more than one shop or salon, a separate certificate of registration must be obtained for each salon or shop.

(e) A certificate of registration granted under this Section may be revoked in accordance with the provisions of Article IV and the holder of the certificate and any licensed managers may be otherwise disciplined by the Department in accordance with rules adopted under this Act.

(f) The Department may promulgate rules to establish additional requirements for owning or operating a salon or shop.

(g) The requirement of a certificate of registration as set forth in this Section shall also apply to any person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation providing barbering, cosmetology, esthetics, hair braiding, or nail technology services at any location not owned or rented by such person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation for these purposes or from a mobile shop or salon. Notwithstanding any provision of this Section, applicants for a certificate of registration under this subsection (g) shall report in its application the address and telephone number of its office and shall not be required to report the location where services are or will be rendered. Nothing in this subsection (g) shall apply to a sole proprietor who has no employees or contractors and is not operating a mobile shop or salon.

(h) Nothing in this Act shall prohibit the use of the terms "electrology", "electrologist", "massage", "massage therapy", or "massage therapist" by a salon or shop registered under this Act as long as the salon or shop offers electrology services in accordance with the Electrologist Licensing Act or massage therapy services in accordance with the Massage Therapy Practice Act.

(Source: P.A. 104-153, eff. 1-1-26.)

Section 60. The Electrologist Licensing Act is amended by changing Section 20 as follows:

(225 ILCS 412/20)

(Section scheduled to be repealed on January 1, 2029)

Sec. 20. Exemptions. This Act does not prohibit:

(1) A person licensed in this State under any other Act from engaging in the practice for which that person is licensed.

(2) The practice of electrology by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.

(3) The practice of electrology included in a program of study by students enrolled in schools or in refresher courses approved by the Department.

Nothing in this Act shall be construed to prevent a person who is licensed under this Act and functioning as an assistant to a person who is licensed to practice medicine in all of its branches from providing delegated services. Such delegated services may not be performed by a person while holding himself or herself out as an electrologist or in any manner that indicates that the services are part of the practice of electrology.

Nothing in this Act shall prohibit the use of the terms "electrology" or "electrologist" by a salon or shop registered under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 as long as the salon offers electrology services in accordance with this Act.

(Source: P.A. 96-569, eff. 8-18-09.)

Section 65. The Professional Service Corporation Act is amended by changing Section 3.6 as follows:

(805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

Sec. 3.6. "Related professions" and "related professional services" mean more than one personal service which requires as a condition precedent to the rendering thereof the obtaining of a license and which prior to October 1, 1973 could not be performed by a corporation by reason of law; provided, however, that these terms shall be restricted to:

(1) a combination of 2 or more of the following personal services: (a) "architecture" as defined in Section 5 of the Illinois Architecture Practice Act of 1989, (b) "professional engineering" as defined in Section 4 of the Professional Engineering Practice Act of 1989, (c) "structural engineering" as defined in Section 5 of the Structural Engineering Practice Act of 1989, (d) "land surveying" as defined in Section 2 of the Illinois Professional Land Surveyor Act of 1989;

(2) a combination of the following personal services: (a) the practice of medicine by persons licensed under the Medical Practice Act of 1987, (b) the practice of podiatry as defined in the Podiatric Medical Practice Act of 1987, (c) the practice of dentistry as defined in the Illinois Dental Practice Act, (d) the practice of optometry as defined in the Illinois Optometric Practice Act of 1987;

(3) a combination of 2 or more of the following personal services: (a) the practice of clinical psychology by persons licensed under the Clinical Psychologist Licensing Act, (b) the practice of social work or clinical social work by persons licensed under the Clinical Social Work and Social Work Practice Act, (c) the practice of marriage and family therapy by persons licensed under the Marriage and Family Therapy Licensing Act, (d) the practice of professional counseling or clinical professional counseling by persons licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, or (e) the practice of sex offender evaluations by persons licensed under the Sex Offender Evaluation and Treatment Provider Act; ~~or~~

(4) a combination of 2 or more of the following personal services: (a) the practice of acupuncture by persons licensed under the Acupuncture Practice Act, (b) the practice of massage by persons licensed under the Massage Therapy Practice Act, (c) the practice of naprapathy by persons licensed under the Naprapathic Practice Act, (d) the practice of occupational therapy by persons licensed under the Illinois Occupational Therapy Practice Act, (e) the practice of physical therapy by persons licensed under the Illinois Physical Therapy Act, or (f) the practice of speech-language therapy by persons licensed under the Illinois Speech-Language Pathology and Audiology Practice Act; or~~.~~

(5) a combination of 2 or more of the following personal services: (a) services provided by persons licensed under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, (b) the practice of massage therapy by persons licensed under the Massage Therapy Practice Act, or (c) the practice of electrology by persons licensed under the Electrologist Licensing Act.

(Source: P.A. 101-95, eff. 7-19-19; 102-20, eff. 1-1-22.)

Section 70. The Professional Limited Liability Company Act is amended by changing Section 13 as follows:

(805 ILCS 185/13)

Sec. 13. Nature of business.

(a) A professional limited liability company may be formed to provide a professional service or services licensed by the Department except:

(1) the practice of dentistry unless all the members and managers are licensed as dentists under the Illinois Dental Practice Act;

(2) the practice of medicine unless all the managers, if any, are licensed to practice medicine under the Medical Practice Act of 1987 and each member is either:

(A) licensed to practice medicine under the Medical Practice Act of 1987;

(B) a registered medical corporation or corporations organized pursuant to the Medical Corporation Act;

(C) a professional corporation organized pursuant to the Professional Service Corporation Act of physicians licensed to practice under the Medical Practice Act of 1987;

(D) a hospital or hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act; or

(E) a professional limited liability company that satisfies the requirements of subparagraph (A), (B), (C), or (D);

(3) the practice of real estate unless all the members and managers, if any, that actively participate in the real estate activities of the professional limited liability company are licensed to practice as a managing broker or broker pursuant to the Real Estate License Act of 2000. All nonparticipating members or managers shall submit affidavits of nonparticipation as required by the Department and the Real Estate License Act of 2000;

(4) the practice of clinical psychology unless all the managers and members are licensed to practice as a clinical psychologist under the Clinical Psychologist Licensing Act;

(5) the practice of social work unless all the managers and members are licensed to practice as a clinical social worker or social worker under the Clinical Social Work and Social Work Practice Act;

(6) the practice of marriage and family therapy unless all the managers and members are licensed to practice as a marriage and family therapist under the Marriage and Family Therapy Licensing Act;

(7) the practice of professional counseling unless all the managers and members are licensed to practice as a clinical professional counselor or a professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;

(8) the practice of sex offender evaluation and treatment unless all the managers and members are licensed to practice as a sex offender evaluator or sex offender treatment provider under the Sex Offender Evaluation and Treatment Provider Act; or

(9) the practice of veterinary medicine unless all the managers and members are licensed to practice as a veterinarian under the Veterinary Medicine and Surgery Practice Act of 2004.

(b) Notwithstanding any provision of this Section, any of the following professional services may be combined and offered within a single professional limited liability company provided that each professional service is offered only by persons licensed to provide that professional service and all managers and members are licensed in at least one of the professional services offered by the professional limited liability company:

(1) the practice of medicine by physicians licensed under the Medical Practice Act of 1987, the practice of podiatry by podiatric physicians licensed under the Podiatric Medical Practice Act of 1987, the practice of dentistry by dentists licensed under the Illinois Dental Practice Act, and the practice of optometry by optometrists licensed under the Illinois Optometric Practice Act of 1987;

(2) the practice of clinical psychology by clinical psychologists licensed under the Clinical Psychologist Licensing Act, the practice of social work by clinical social workers or social workers licensed under the Clinical Social Work and Social Work Practice Act, the practice of marriage and family counseling by marriage and family therapists licensed under the Marriage and Family Therapy Licensing Act, the practice of professional counseling by professional counselors and clinical professional counselors licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, and the practice of sex offender evaluation and treatment by sex offender evaluators and sex offender treatment providers licensed under the Sex Offender Evaluation and Treatment Provider Act;

(3) the practice of architecture by persons licensed under the Illinois Architecture Practice Act of 1989, the practice of professional engineering by persons licensed under the Professional Engineering Practice Act of 1989, the practice of structural engineering by persons licensed under the Structural Engineering Practice Act of 1989, and the practice of land surveying by persons licensed under the Illinois Professional Land Surveyor Act of 1989; ~~or~~

(4) the practice of acupuncture by persons licensed under the Acupuncture Practice Act, the practice of massage by persons licensed under the Massage Licensing Act, the practice of naprapathy by persons licensed under the Naprapathic Practice Act, the practice of occupational therapy by persons licensed under the Illinois Occupational Therapy Practice Act, the practice of physical therapy by persons licensed under the Illinois Physical Therapy Act, and the practice of speech-language pathology by persons licensed under the Illinois Speech-Language Pathology and Audiology Practice Act; or~~.~~

(5) services provided by persons licensed under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, the practice of massage therapy by persons licensed under the Massage Therapy Practice Act, and the practice of electrology by persons licensed under the Electrologist Licensing Act.

(Source: P.A. 102-970, eff. 5-27-22.)

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

Senator Glowiak Hilton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3895

AMENDMENT NO. 2 . Amend Senate Bill 3895, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.37 and 4.42 as follows:

(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027. The following are repealed on January 1, 2027:

~~The Clinical Psychologist Licensing Act.~~

~~The Illinois Optometric Practice Act of 1987.~~

Articles II, III, IV, V, VI, VIIA, VIIC, XVII, XXXI, and XXXI 1/4 of the Illinois Insurance Code.

The Boiler and Pressure Vessel Repairer Regulation Act.

~~The Marriage and Family Therapy Licensing Act.~~

~~The Boxing and Full-contact Martial Arts Act.~~

The Cemetery Oversight Act.

The Community Association Manager Licensing and Disciplinary Act.

The Detection of Deception Examiners Act.

The Home Inspector License Act.

~~The Massage Licensing Act.~~

~~The Medical Practice Act of 1987.~~

The Petroleum Equipment Contractors Licensing Act.

The Radiation Protection Act of 1990.

The Real Estate Appraiser Licensing Act of 2002.

The Registered Interior Designers Act.

The Landscape Architecture Registration Act.

The Water Well and Pump Installation Contractor's License Act.

~~The Licensed Certified Professional Midwife Practice Act.~~

(Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21; 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff. 10-1-22; 102-813, eff. 5-13-22; 103-371, eff. 1-1-24; 103-823, eff. 8-9-24.)

(5 ILCS 80/4.42)

Sec. 4.42. Acts repealed on January 1, 2032. The following Acts are repealed on January 1, 2032:

The Collateral Recovery Act.

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

The Marriage and Family Therapy Licensing Act.

The Boxing and Full-contact Martial Arts Act.

The Massage Therapy Practice Act.

The Medical Practice Act of 1987.

The Licensed Certified Professional Midwife Practice Act.

(Source: P.A. 103-371, eff. 1-1-24.)

Section 10. The Clinical Psychologist Licensing Act is amended by changing Sections 2, 2.5, 3, 4, 4.3, 4.5, 5, 7, 10, 11, 11.5, 12.5, 13, 14, 15, 16, 16.1, 21, 21.2, 25, 26, 26.5, and 27 as follows:

(225 ILCS 15/2) (from Ch. 111, par. 5352)

(Section scheduled to be repealed on January 1, 2027)

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

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Clinical Psychologists Licensing and Disciplinary Board appointed by the Secretary.

(4) (Blank).

(5) "Clinical psychology" means the independent evaluation, classification, diagnosis, and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness. The practice of clinical psychology includes psychoeducational evaluation, therapy, remediation and consultation, the use of psychological and neuropsychological testing,

assessment, psychotherapy, psychoanalysis, hypnosis, biofeedback, and behavioral modification when any of these are used for the purpose of preventing or eliminating psychopathology, or for the amelioration of psychological disorders of individuals or groups. "Clinical psychology" does not include the use of hypnosis by unlicensed persons pursuant to Section 3.

(6) A person represents oneself ~~himself~~ to be a "clinical psychologist" or "psychologist" within the meaning of this Act when the person ~~he or she~~ holds himself or herself out to the public by any title or description of services incorporating the words "psychological", "psychologic", "psychologist", "psychology", or "clinical psychologist" or under such title or description offers to render or renders clinical psychological services as defined in paragraph (7) of this Section to individuals or the public for remuneration.

(7) "Clinical psychological services" refers to any services under paragraph (5) of this Section if the words "psychological", "psychologic", "psychologist", "psychology" or "clinical psychologist" are used to describe such services by the person or organization offering to render or rendering them.

(8) "Collaborating physician" means a physician licensed to practice medicine in all of its branches in Illinois who generally prescribes medications for the treatment of mental health disease or illness to the physician's ~~his or her~~ patients in the normal course of the physician's ~~his or her~~ clinical medical practice.

(9) "Prescribing psychologist" means a licensed, doctoral level psychologist who has undergone specialized training, has passed an examination as determined by rule, and has received a current license granting prescriptive authority under Section 4.2 of this Act that has not been revoked or suspended from the Department.

(10) "Prescriptive authority" means the authority to prescribe, administer, discontinue, or distribute drugs or medicines.

(11) "Prescription" means an order for a drug, laboratory test, or any medicines, including controlled substances as defined in the Illinois Controlled Substances Act.

(12) "Drugs" has the meaning given to that term in the Pharmacy Practice Act.

(13) "Medicines" has the meaning given to that term in the Pharmacy Practice Act.

(14) "Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

(15) "Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

~~This Act shall not apply to persons lawfully carrying on their particular profession or business under any valid existing regulatory Act of the State.~~

(Source: P.A. 98-668, eff. 6-25-14; 99-572, eff. 7-15-16.)

(225 ILCS 15/2.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 2.5. Address of record; email address of record ~~Change of address~~. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.~~

(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/3) (from Ch. 111, par. 5353)

(Section scheduled to be repealed on January 1, 2027)

Sec. 3. Necessity of license; corporations, professional limited liability companies, partnerships, and associations; display of license.

(a) No individual shall, without a valid license as a clinical psychologist issued by the Department, in any manner hold oneself ~~himself or herself~~ out to the public as a psychologist or clinical psychologist under the provisions of this Act or render or offer to render clinical psychological services as defined in paragraph

7 of Section 2 of this Act; or attach the title "clinical psychologist", "psychologist" or any other name or designation which would in any way imply that the person ~~he or she~~ is able to practice as a clinical psychologist; or offer to render or render clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

No person may engage in the practice of clinical psychology, as defined in paragraph (5) of Section 2 of this Act, without a license granted under this Act, except as otherwise provided in this Act.

(b) No business organization shall provide, attempt to provide, or offer to provide clinical psychological services unless every member, shareholder, director, officer, holder of any other ownership interest, agent, and employee who renders clinical psychological services holds a currently valid license issued under this Act. No corporation or limited liability company shall be created that (i) has a stated purpose that includes clinical psychology, or (ii) practices or holds itself out as available to practice clinical psychology, unless it is organized under the Professional Service Corporation Act or the Professional Limited Liability Company Act.

(c) Individuals, corporations, professional limited liability companies, partnerships, and associations may employ practicum students, interns or postdoctoral candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license as a clinical psychologist to assist in the rendering of services, provided that such employees function under the direct supervision, order, control and full professional responsibility of a licensed clinical psychologist in the corporation, professional limited liability company, partnership, or association. Nothing in this paragraph shall prohibit a corporation, professional limited liability company, partnership, or association from contracting with a licensed health care professional to provide services.

(c-5) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for any hospital licensed under the Hospital Licensing Act or any hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act and any hospital authorized under the University of Illinois Hospital Act.

(d) Nothing in this Act shall prevent the employment, by a clinical psychologist, individual, association, partnership, professional limited liability company, or corporation furnishing clinical psychological services for remuneration, of persons not licensed as clinical psychologists under the provisions of this Act to perform services in various capacities as needed, provided that such persons are not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act. Nothing contained in this Act shall require any hospital, clinic, home health agency, hospice, or other entity that provides health care services to employ or to contract with a clinical psychologist licensed under this Act to perform any of the activities under paragraph (5) of Section 2 of this Act.

(e) Nothing in this Act shall be construed to limit the services and use of official title on the part of a person, not licensed under the provisions of this Act, in the employ of a State, county, or municipal agency or other political subdivision insofar that such services are a part of the duties in the person's ~~his or her~~ salaried position, and insofar that such services are performed solely on behalf of the person's ~~his or her~~ employer.

Nothing contained in this Section shall be construed as permitting such person to offer their services as psychologists to any other persons and to accept remuneration for such psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of this Act.

(f) Duly recognized members of any bona fide ~~bonafide~~ religious denomination shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being clinical psychologists or providing clinical psychological services.

(g) Nothing in this Act shall prohibit individuals not licensed under the provisions of this Act who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations, provided that such persons are not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

(h) Nothing in this Act shall be construed to prevent a person from practicing hypnosis without a license issued under this Act provided that the person (1) does not otherwise engage in the practice of clinical psychology, including, but not limited to, the independent evaluation, classification, and treatment

of mental, emotional, behavioral, or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, (2) does not otherwise engage in the practice of medicine, including, but not limited to, the diagnosis or treatment of physical or mental ailments or conditions, and (3) does not hold the person ~~himself or herself~~ out to the public by a title or description stating or implying that the individual is a clinical psychologist or is licensed to practice clinical psychology.

(i) Every licensee under this Act shall prominently display the license at the licensee's principal office, place of business, or place of employment and, whenever requested by any representative of the Department, must exhibit the license.

(Source: P.A. 99-227, eff. 8-3-15; 99-572, eff. 7-15-16.)

(225 ILCS 15/4) (from Ch. 111, par. 5354)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4. Exemptions ~~Application of Act~~.

(a) Nothing in this Act shall be construed to limit the activities of and services of a student, intern or resident in psychology seeking to fulfill educational requirements or the experience requirements in order to qualify for a license under this Act, or an individual seeking to fulfill the postdoctoral experience requirements in order to qualify for licensure under this Act provided that such activities and services are under the direct supervision, order, control and full professional responsibility of a licensed clinical psychologist and provided that such student, intern, or resident be designated by a title "intern" or "resident" or other designation of trainee status. Supervised experience in which the supervisor receives monetary payment or other considerations from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum, internship or 2 years of satisfactory supervised experience requirements for licensure. Nothing contained in this Section shall be construed as permitting such students, interns, or residents to offer their services as clinical psychologists to any other person or persons and to accept remuneration for such clinical psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of this Act. Students, interns, and residents providing services pursuant to the exemption under this subsection (a) who violate any provision of this Act or its rules shall be subject to the provisions of Sections 16.5 and 27.2.

(b) Nothing in this Act shall be construed as permitting persons licensed as clinical psychologists to engage in any manner in the practice of medicine as defined in the laws of this State. Persons licensed as clinical psychologists who render services to persons in need of mental treatment or who are mentally ill shall as appropriate initiate genuine collaboration with a physician licensed in Illinois to practice medicine in all its branches.

(c) Nothing in this Act shall be construed as restricting an individual certified as a school psychologist by the State Board of Education, who is at least 21 years of age and has had at least 3 years of full-time experience as a certified school psychologist, from using the title school psychologist and offering school psychological services limited to those services set forth in the rules and regulations that govern the administration and operation of special education pertaining to children and youth ages 0-21 prepared by the State Board of Education. Anyone offering such services under the provisions of this paragraph shall use the term school psychologist and describe such services as "School Psychological Services". This exemption shall be limited to the practice of school psychology only as manifested through psychoeducational problems, and shall not be construed to allow a school psychologist to function as a general practitioner of clinical psychology, unless otherwise licensed under this Act. However, nothing in this paragraph prohibits a school psychologist from making evaluations, recommendations or interventions regarding the placement of children in educational programs or special education classes, nor shall it prohibit school psychologists from providing clinical psychological services under the supervision of a licensed clinical psychologist. This paragraph shall not be construed to mandate insurance companies to reimburse school psychologists directly for the services of school psychologists. Nothing in this paragraph shall be construed to exclude anyone duly licensed under this Act from offering psychological services in the school setting. School psychologists providing services under the provisions of this paragraph shall not provide such services outside their employment to any child who is a student in the district or districts which employ such school psychologist. School psychologists, as described in this paragraph, shall be under the regulatory authority of the State Board of Education and the State Teacher Certification Board.

(d) Nothing in this Act shall be construed to limit the activities and use of the official title of "psychologist" on the part of a person not licensed under this Act who possesses a doctoral degree earned in

a program concentrated primarily on the study of psychology and is an academic employee of a duly chartered institution of higher education insofar as such person engages in public speaking with or without remuneration, provided that such person is not in any manner held out to the public as practicing clinical psychology as defined in paragraph 5 of Section 2 of this Act, unless the person ~~he or she~~ has been licensed under the provisions of this Act.

(e) Nothing in this Act shall be construed to regulate, control, or restrict the clinical practice of any person licensed, registered, or certified in this State under any other Act, provided that such person is not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

(f) Nothing in this Act shall be construed to limit the activities and use of the title "psychologist" on the part of a person who practices psychology and (i) who possesses a doctoral degree earned in a program concentrated primarily on the study of psychology; and (ii) whose services involve the development and application of psychological theory and methodology to problems of organizations and problems of individuals and groups in organizational settings; and provided further that such person is not in any manner held out to the public as practicing clinical psychology and is not held out to the public by any title, description or designation stating or implying that the person ~~he or she~~ is a clinical psychologist unless the person ~~he or she~~ has been licensed under the provisions of this Act.

(g) This Act shall not apply to persons lawfully carrying on the person's particular profession or business under any valid existing regulatory Act of the State.

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

(225 ILCS 15/4.3)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4.3. Written collaborative agreements.

(a) A written collaborative agreement is required for all prescribing psychologists practicing under a prescribing psychologist license issued pursuant to Section 4.2 of this Act.

(b) A written delegation of prescriptive authority by a collaborating physician may only include medications for the treatment of mental health disease or illness the collaborating physician generally provides to the collaborating physician's ~~his or her~~ patients in the normal course of the collaborating physician's ~~his or her~~ clinical practice with the exception of the following:

(1) patients who are less than 17 years of age or over 65 years of age;

(2) patients during pregnancy;

(3) patients with serious medical conditions, such as heart disease, cancer, stroke, or seizures, and with developmental disabilities and intellectual disabilities; and

(4) prescriptive authority for benzodiazepine Schedule III controlled substances.

(c) The collaborating physician shall file with the Department notice of delegation of prescriptive authority and termination of the delegation, in accordance with rules of the Department. Upon receipt of this notice delegating authority to prescribe any nonnarcotic Schedule III through V controlled substances, the licensed clinical psychologist shall be eligible to register for a mid-level practitioner controlled substance license under Section 303.05 of the Illinois Controlled Substances Act.

(d) All of the following shall apply to delegation of prescriptive authority:

(1) Any delegation of Schedule III through V controlled substances shall identify the specific controlled substance by brand name or generic name. No controlled substance to be delivered by injection may be delegated. No Schedule II controlled substance shall be delegated.

(2) A prescribing psychologist shall not prescribe narcotic drugs, as defined in Section 102 of the Illinois Controlled Substances Act.

Any prescribing psychologist who writes a prescription for a controlled substance without having valid and appropriate authority may be fined by the Department not more than $50 per prescription and the Department may take any other disciplinary action provided for in this Act.

All prescriptions written by a prescribing psychologist must contain the name of the prescribing psychologist and the prescribing psychologist's ~~his or her~~ signature. The prescribing psychologist shall sign the prescribing psychologist's ~~his or her~~ own name.

(e) The written collaborative agreement shall describe the working relationship of the prescribing psychologist with the collaborating physician and shall delegate prescriptive authority as provided in this Act. Collaboration does not require an employment relationship between the collaborating physician and prescribing psychologist. Absent an employment relationship, an agreement may not restrict third-party payment sources accepted by the prescribing psychologist. For the purposes of this Section, "collaboration"

means the relationship between a prescribing psychologist and a collaborating physician with respect to the delivery of prescribing services in accordance with (1) the prescribing psychologist's training, education, and experience and (2) collaboration and consultation as documented in a jointly developed written collaborative agreement.

(f) The agreement shall promote the exercise of professional judgment by the prescribing psychologist corresponding to the prescribing psychologist's ~~his or her~~ education and experience.

(g) The collaborative agreement shall not be construed to require the personal presence of a physician at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician in person or by telecommunications in accordance with established written guidelines as set forth in the written agreement.

(h) Collaboration and consultation pursuant to all collaboration agreements shall be adequate if a collaborating physician does each of the following:

(1) participates in the joint formulation and joint approval of orders or guidelines with the prescribing psychologist and the collaborating physician ~~he or she~~ periodically reviews the prescribing psychologist's orders and the services provided patients under the orders in accordance with accepted standards of medical practice and prescribing psychologist practice;

(2) provides collaboration and consultation with the prescribing psychologist in person at least once a month for review of safety and quality clinical care or treatment;

(3) is available through telecommunications for consultation on medical problems, complications, emergencies, or patient referral; and

(4) reviews medication orders of the prescribing psychologist no less than monthly, including review of laboratory tests and other tests as available.

(i) The written collaborative agreement shall contain provisions detailing notice for termination or change of status involving a written collaborative agreement, except when the notice is given for just cause.

(j) A copy of the signed written collaborative agreement shall be available to the Department upon request to either the prescribing psychologist or the collaborating physician.

(k) Nothing in this Section shall be construed to limit the authority of a prescribing psychologist to perform all duties authorized under this Act.

(l) A prescribing psychologist shall inform each collaborating physician of all collaborative agreements the prescribing psychologist ~~he or she~~ has signed and provide a copy of these to any collaborating physician.

(m) No collaborating physician shall enter into more than 3 collaborative agreements with prescribing psychologists.

(Source: P.A. 101-84, eff. 7-19-19.)

(225 ILCS 15/4.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4.5. Endorsement; prescribing psychologists.

(a) Individuals who are already licensed as medical or prescribing psychologists in another state may apply for an Illinois prescribing psychologist license by endorsement from that state, or acceptance of that state's examination if they meet the requirements set forth in this Act and its rules, including proof of successful completion of the educational, testing, and experience standards. Applicants from other states may not be required to pass the examination required for licensure as a prescribing psychologist in Illinois if they meet requirements set forth in this Act and its rules, such as proof of education, testing, payment of any fees, and experience.

(b) Individuals who graduated from the Department of Defense Psychopharmacology Demonstration Project may apply for an Illinois prescribing psychologist license by endorsement. Applicants from the Department of Defense Psychopharmacology Demonstration Project may not be required to pass the examination required for licensure as a prescribing psychologist in Illinois if they meet requirements set forth in this Act and its rules, such as proof of education, testing, payment of any fees, and experience.

(c) Individuals applying for a prescribing psychologist license by endorsement shall be required to first obtain a clinical psychologist license under this Act.

(Source: P.A. 98-668, eff. 6-25-14.)

(225 ILCS 15/5) (from Ch. 111, par. 5355)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Confidentiality of information. No clinical psychologist shall disclose any information the clinical psychologist ~~he or she~~ may have acquired from persons consulting the clinical psychologist ~~him or~~

~~her~~ in the clinical psychologist's ~~his or her~~ professional capacity, to any persons except only: (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide, (2) in all proceedings the purpose of which is to determine mental competency, or in which a defense of mental incapacity is raised, (3) in actions, civil or criminal, against the psychologist for malpractice, (4) with the expressed consent of the client, or in the case of the client's ~~his or her~~ death or disability, the client's ~~or his or her~~ personal representative or other person authorized to sue or of the beneficiary of an insurance policy on the client's ~~his or her~~ life, health, or physical condition, or (5) upon an issue as to the validity of a document as a will of a client. In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.

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

(225 ILCS 15/7) (from Ch. 111, par. 5357)

(Section scheduled to be repealed on January 1, 2027)

Sec. 7. Board. The Secretary shall appoint a Board that shall serve in an advisory capacity to the Secretary.

The Board shall consist of 11 persons: 4 of whom are licensed clinical psychologists and actively engaged in the practice of clinical psychology; 2 of whom are licensed prescribing psychologists; 2 of whom are physicians licensed to practice medicine in all its branches in Illinois who generally prescribe medications for the treatment of mental health disease or illness in the normal course of clinical medical practice, one of whom shall be a psychiatrist and the other a primary care or family physician; 2 of whom are licensed clinical psychologists and are full-time ~~full-time~~ faculty members of accredited colleges or universities who are engaged in training clinical psychologists; and one of whom is a public member who is not a licensed health care provider. In appointing members of the Board, the Secretary shall give due consideration to the adequate representation of the various fields of health care psychology such as clinical psychology, school psychology and counseling psychology. In appointing members of the Board, the Secretary shall give due consideration to recommendations by members of the profession of clinical psychology and by the Statewide ~~State-wide~~ organizations representing the interests of clinical psychologists and organizations representing the interests of academic programs as well as recommendations by approved doctoral level psychology programs in the State of Illinois, and, with respect to the 2 physician members of the Board, the Secretary shall give due consideration to recommendations by the Statewide professional associations or societies representing physicians licensed to practice medicine in all its branches in Illinois. The members shall be appointed for a term of 4 years. No member shall be eligible to serve for more than 2 full terms. Any appointment to fill a vacancy shall be for the unexpired portion of the term. A member appointed to fill a vacancy for an unexpired term for a duration of 2 years or more may be reappointed for a maximum of one term and a member appointed to fill a vacancy for an unexpired term for a duration of less than 2 years may be reappointed for a maximum of 2 terms. The Secretary may remove any member for cause at any time prior to the expiration of the member's ~~his or her~~ term.

The 2 initial appointees to the Board who are licensed prescribing psychologists may hold a medical or prescription license issued by another state so long as the license is deemed by the Secretary to be substantially equivalent to a prescribing psychologist license under this Act and so long as the appointees also maintain an Illinois clinical psychologist license. Such initial appointees shall serve on the Board until the Department adopts rules necessary to implement licensure under Section 4.2 of this Act.

The Board shall annually elect a chairperson and vice chairperson.

The members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

The Secretary shall give due consideration to all recommendations of the Board.

The Board may make recommendations on all matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements and acceptable course content. Such recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

The 2 licensed prescribing psychologist members of the Board and the 2 physician members of the Board shall only deliberate and make recommendations related to the licensure and discipline of prescribing psychologists. Four members shall constitute a quorum, except that all deliberations and recommendations related to the licensure and discipline of prescribing psychologists shall require a quorum of 6 members. A quorum is required for all Board decisions.

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

The Secretary may terminate the appointment of any member for cause which in the sole opinion of the Secretary reasonably justifies such termination.

(Source: P.A. 98-668, eff. 6-25-14; 99-572, eff. 7-15-16.)

(225 ILCS 15/10) (from Ch. 111, par. 5360)

(Section scheduled to be repealed on January 1, 2027)

Sec. 10. Qualifications of applicants; examination. The Department, except as provided in Section 11 of this Act, shall issue a license as a clinical psychologist to any person who pays an application fee and who:

(1) is at least 21 years of age;

(2) (blank);

(3) is a graduate of a doctoral program from a college, university or school accredited by the regional accrediting body which is recognized by the Council on Postsecondary Accreditation and is in the jurisdiction in which it is located for purposes of granting the doctoral degree and either:

(a) is a graduate of a doctoral program in clinical, school or counseling psychology either accredited by the American Psychological Association or the Psychological Clinical Science Accreditation System or approved by the Council for the National Register of Health Service Providers in Psychology or other national board recognized by the Board, and has completed 2 years of satisfactory supervised experience in clinical, school or counseling psychology at least one of which is an internship and one of which is postdoctoral; or

(b) holds a doctoral degree from a recognized college, university or school which the Department, through its rules, establishes as being equivalent to a clinical, school or counseling psychology program and has completed at least one course in each of the following 7 content areas, in actual attendance at a recognized university, college or school whose graduates would be eligible for licensure under this Act: scientific and professional ethics, biological basis of behavior, cognitive-affective basis of behavior, social basis of behavior, individual differences, assessment, and treatment modalities; and has completed 2 years of satisfactory supervised experience in clinical, school or counseling psychology, at least one of which is an internship and one of which is postdoctoral; or

(c) holds a doctorate in psychology or in a program whose content is psychological in nature from an accredited college, university or school not meeting the standards of paragraph (a) or (b) of this subsection (3) and provides evidence of the completion of at least one course in each of the 7 content areas specified in paragraph (b) in actual attendance at a recognized university, school or college whose graduate would be eligible for licensure under this Act; and has completed an appropriate practicum, an internship or equivalent supervised clinical experience in an organized mental health care setting and 2 years of satisfactory supervised experience in clinical or counseling psychology, at least one of which is postdoctoral; and

(4) has passed an examination authorized by the Department to determine the person's ~~his or her~~ fitness to receive a license.

Applicants for licensure under subsection (3)(a) and (3)(b) of this Section shall complete 2 years of satisfactory supervised experience, at least one of which shall be an internship and one of which shall be postdoctoral. A year of supervised experience is defined as not less than 1,750 hours obtained in not less than 50 weeks based on 35 hours per week for full-time work experience. Full-time supervised experience will be counted only if it is obtained in a single setting for a minimum of 6 months. Part-time and internship experience will be counted only if it is 18 hours or more a week for a minimum of 9 months and is in a single setting. The internship experience required under subsection (3)(a) and (3)(b) of this Section shall be a minimum of 1,750 hours completed within 24 months.

Programs leading to a doctoral degree require minimally the equivalent of 3 full-time academic years of graduate study, at least 2 years of which are at the institution from which the degree is granted, and of which at least one year or its equivalent is in residence at the institution from which the degree is granted. Course work for which credit is given for life experience will not be accepted by the Department as fulfilling the educational requirements for licensure. Residence requires interaction with psychology faculty and other matriculated psychology students; one year's residence or its equivalent is defined as follows:

(a) 30 semester hours taken on a full-time or part-time basis at the institution accumulated within 24 months, or

(b) a minimum of 350 hours of student-faculty contact involving face-to-face individual or group courses or seminars accumulated within 18 months. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90% of the time, be fully documented by the institution, and relate substantially to the program and course content. The institution must clearly document how the applicant's performance is assessed and evaluated.

To meet the requirement for satisfactory supervised experience, under this Act the supervision must be performed pursuant to the order, control and full professional responsibility of a licensed clinical psychologist. The clients shall be the clients of the agency or supervisor rather than the supervisee. Supervised experience in which the supervisor receives monetary payment or other consideration from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum, internship or 2 years of satisfactory supervised experience requirements for licensure.

Examinations for applicants under this Act shall be held at the direction of the Department from time to time but not less than once each year. The scope and form of the examination shall be determined by the Department.

Each applicant for a license who possesses the necessary qualifications therefor shall be examined by the Department, and shall pay to the Department, or its designated testing service, the required examination fee, which fee shall not be refunded by the Department. Beginning one year after the effective date of this amendatory Act of the 104th General Assembly, the required examination may be taken upon graduation and before completion of a postdoctoral supervised experience in clinical, school, or counseling psychology.

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

An applicant has one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to take and pass the examination again unless licensed in another jurisdiction of the United States within one year of passing the examination.

(Source: P.A. 104-301, eff. 1-1-26.)

(225 ILCS 15/11) (from Ch. 111, par. 5361)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11. Endorsement; clinical psychologists ~~Persons licensed in other jurisdictions~~.

(a) The Department may, in its discretion, grant a license on payment of the required fee to any person who, at the time of application, is licensed by another state or jurisdiction of the United States or by any foreign country or province whose standards, in the opinion of the Department, were substantially equivalent, at the date of the person's ~~his or her~~ licensure in the other jurisdiction, to the requirements of this Act or to any person who, at the time of the person's ~~his or her~~ licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State.

(b) The Department may issue a license, upon payment of the required fee and recommendation of the Board, to an individual applicant who:

(1) has been licensed based on a doctorate degree to practice psychology in one or more other states or Canada for at least 30 months during the 5 consecutive years preceding application ~~20 years~~;

(2) has had no disciplinary action taken against his or her license in any other jurisdiction during the entire period of licensure;

(3) (blank);

(4) has not violated any provision of this Act or the rules adopted under this Act; and

(5) complies with all additional rules promulgated under this subsection.

The Department may promulgate rules to further define these licensing criteria.

(b-5) The endorsement process for individuals who are already licensed as medical or prescribing psychologists in another state is governed by Section 4.5 of this Act and not this Section.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall expire ~~be denied~~, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/11.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11.5. Temporary authorization of practice by persons licensed in other jurisdictions.

(a) A person licensed in another jurisdiction is authorized to render ~~The Department, in its discretion, may issue a temporary permit authorizing the rendering of~~ clinical psychological services, as defined in Section 2 of this Act, in this State for up to 10 calendar days per year, consecutively or in aggregate if the ~~. This temporary permit may be issued to an~~ individual ~~who~~ is licensed in good standing to practice psychology independently and at the doctoral level in another state, province, or territory. Any portion of a calendar day in which the psychologist provides services in this State is considered one working day. In no case shall a person practicing pursuant to this subsection (a) establish a permanent office location in Illinois, nor prepare or publish letterhead, business cards, or similar publicity materials listing an Illinois address or Illinois-based phone number. Time devoted to providing testimony in court or in deposition shall not be counted as part of the 10 calendar days allowed under this subsection (a).

~~An applicant for a temporary permit under this subsection (a) must apply to the Department on forms and in the manner prescribed by the Department. The application shall require that the applicant submit to the Department (i) satisfactory proof that the applicant is licensed in good standing to practice psychology independently and at the doctoral level in another state, province, or territory, including the sworn statement of the applicant that his or her license is not encumbered in any manner by any licensing authority, (ii) the name of the state, province, or territory in which the applicant is licensed, and (iii) the applicant's license number or other appropriate identifier issued by the licensing authority to the applicant.~~

(b) The Secretary may temporarily authorize an individual to practice clinical psychology who (i) holds an active, unencumbered license in good standing in another jurisdiction and (ii) has applied for a license under this Act due to a natural disaster or catastrophic event in the jurisdiction in which the individual ~~he or she~~ is licensed. The temporary authorization granted under this subsection (b) expires upon the issuance of a license under this Act or upon the notification that licensure has been denied by the Department.

(c) Any psychologist practicing pursuant to subsection (a) or (b) of this Section shall conform the psychologist's ~~his or her~~ practice to the mandates of and shall be subject to the prohibitions and sanctions, as well as the provisions on hearings and investigations, contained in this Act and any rules adopted thereunder while the psychologist ~~he or she~~ is practicing in this State.

(Source: P.A. 95-451, eff. 1-1-08.)

(225 ILCS 15/12.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 12.5. Social Security Number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number or individual taxpayer identification number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12.)

(225 ILCS 15/13) (from Ch. 111, par. 5363)

(Section scheduled to be repealed on January 1, 2027)

Sec. 13. License renewal; restoration.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. Every holder of a license under this Act may renew such license during the 90-day period immediately preceding the expiration date thereof upon payment of the required renewal fees and demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

A clinical psychologist who has permitted the clinical psychologist's ~~his or her~~ license to expire or who has had the clinical psychologist's ~~his or her~~ license on inactive status may have the clinical psychologist's ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department, as defined by rule, of the clinical psychologist's ~~his or her~~ fitness to have the clinical psychologist's ~~his or her~~ license restored, including evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the clinical psychologist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the clinical psychologist's ~~his or her~~ fitness to resume active status and may require the clinical psychologist to complete a period of supervised professional experience and may require successful completion of an examination.

However, any clinical psychologist ~~whose~~ license that expires ~~expired~~ while the clinical psychologist ~~he or she~~ was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the ~~his or her~~ license renewed or restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training or education the clinical psychologist ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the clinical psychologist ~~he or she~~ has been so engaged and that the clinical psychologist's ~~his or her~~ service, training, or education has been so terminated.

(b) Notwithstanding any other provision of law, the following requirements for restoration of an inactive or expired license of less than 5 years as set forth in subsection (a) are suspended for any licensed clinical psychologist who has had no disciplinary action taken against the clinical psychologist's ~~his or her~~ license in this State or in any other jurisdiction during the entire period of licensure: proof of fitness, certification of active practice in another jurisdiction, and the payment of a renewal fee. An individual may not restore the individual's ~~his or her~~ license in accordance with this subsection more than once.

(Source: P.A. 102-1053, eff. 6-10-22.)

(225 ILCS 15/14) (from Ch. 111, par. 5364)

(Section scheduled to be repealed on January 1, 2027)

Sec. 14. Inactive status. Any clinical psychologist who notifies the Department in writing on forms prescribed by the Department, may elect to place the clinical psychologist's ~~his or her~~ license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the clinical psychologist ~~he or she~~ notifies the Department in writing of the clinical psychologist's ~~his or her~~ intent to restore the clinical psychologist's ~~his or her~~ license.

Any clinical psychologist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the clinical psychologist's ~~his or her~~ license as provided in Section 13 of this Act.

Any clinical psychologist whose license is in an inactive status shall not practice in the State of Illinois.

Any licensee who shall practice clinical psychology while the licensee's ~~his or her~~ license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under this Act.

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

(225 ILCS 15/15) (from Ch. 111, par. 5365)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Disciplinary action; grounds.

(a) The Department may refuse to issue, refuse to renew, suspend, or revoke any license, or may place on probation, reprimand, or take other disciplinary or non-disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following reasons:

(1) Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

(2) Gross negligence in the rendering of clinical psychological services.

(3) Using fraud or making any misrepresentation in applying for a license or in passing the examination provided for in this Act.

(4) Aiding or abetting or conspiring to aid or abet a person, not a clinical psychologist licensed under this Act, in representing the person ~~himself or herself~~ as so licensed or in applying for a license under this Act.

(5) Violation of any provision of this Act or the rules promulgated thereunder.

(6) Professional connection or association with any person, firm, association, partnership or corporation holding ~~himself, herself,~~ themselves~~,~~ or itself out in any manner contrary to this Act.

(7) Unethical, unauthorized, or unprofessional conduct as defined by rule. In establishing those rules, the Department shall consider, though is not bound by, the ethical standards for psychologists promulgated by recognized national psychology associations.

(8) Aiding or assisting another person in violating any provisions of this Act or the rules promulgated thereunder.

(9) Failing to provide, within 30 ~~60~~ days, information in response to a written request made by the Department.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a clinical psychologist's inability to practice with reasonable judgment, skill, or safety.

(11) Discipline by another state, territory, the District of Columbia, or foreign country, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(12) Directly or indirectly giving or receiving from any person, firm, corporation, association, or partnership any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(13) A finding that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status, has violated the terms of probation.

(14) Willfully making or filing false records or reports, including, but not limited to, false records or reports filed with State agencies or departments.

(15) Physical illness, including, but not limited to, deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

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

(18) Violation of the Health Care Worker Self-Referral Act.

(19) Making a material misstatement in furnishing information to the Department, any other State or federal agency, or any other entity.

(20) Failing to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to an act or conduct similar to an act or conduct that would constitute grounds for action as set forth in this Section.

(21) Failing to report to the Department any adverse final action taken against a licensee or applicant by another licensing jurisdiction, including any other state or territory of the United States or any foreign state or country, or any peer review body, health care institution, professional society or association related to the profession, governmental agency, law enforcement agency, or court for an act or conduct similar to an act or conduct that would constitute grounds for disciplinary action as set forth in this Section.

(22) Prescribing, selling, administering, distributing, giving, or self-administering (A) any drug classified as a controlled substance (designated product) for other than medically accepted therapeutic purposes or (B) any narcotic drug.

(23) Violating State or federal laws or regulations relating to controlled substances, legend drugs, or ephedra as defined in the Ephedra Prohibition Act.

(24) Exceeding the terms of a collaborative agreement or the prescriptive authority delegated to a licensee by the licensee's ~~his or her~~ collaborating physician or established under a written collaborative agreement.

The entry of an order by any circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and

Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have the person's ~~his or her~~ license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring any license so automatically suspended.

The Department shall refuse to issue or suspend the license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel any person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. The person to be examined may have, at the person's ~~his or her~~ own expense, another physician or clinical psychologist of the person's ~~his or her~~ choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department or Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds a person unable to practice because of the reasons set forth in this Section, the Department or Board may require that person to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file or the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the person shall have the person's ~~his or her~~ license suspended immediately, pending a hearing by the Board.

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

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that the person ~~he or she~~ can resume practice in compliance with acceptable and prevailing standards under the provisions of the person's ~~his or her~~ license.

(b) The Department shall not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based solely upon the person recommending, aiding, assisting, referring for, or participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state.

(c) The Department shall not revoke, suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely on the person violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the applicable standard of conduct for a person practicing in Illinois under this Act.

(d) The conduct specified in subsections (b) and (c) shall not constitute grounds for suspension under Section 21.6.

(e) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based solely upon the license, registration, or permit of the person being suspended or revoked, or the person being otherwise disciplined, by any other state or territory other than Illinois for the referral for or having otherwise participated in any health care service, if the revocation, suspension, or other disciplinary action was based solely on a violation of the other state's law prohibiting such health care services in the state, for a resident of the state, or in any other state.

(f) The Department may adopt rules to implement, administer, and enforce this Section.

(Source: P.A. 104-432, eff. 1-1-26.)

(225 ILCS 15/16) (from Ch. 111, par. 5366)

(Section scheduled to be repealed on January 1, 2027)

Sec. 16. Investigations; notice; hearing.

(a) The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license or registration under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant or licensee ~~him or her~~ to file a written answer to the charges under oath within 20 days after service, and (iii) inform the applicant or licensee that failure to answer will result in a default being entered against the applicant or licensee.

(c) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board or hearing officer may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

(d) The written notice and any notice in the subsequent proceeding may be served by regular or certified mail to the applicant's or licensee's address of record.

(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/16.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 16.1. Appointment of hearing officer. Notwithstanding any other provision of this Act, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, renew or discipline a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report the hearing officer's ~~his or her~~ findings of fact, conclusions of law, and recommendations to the Board and the Secretary.

(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/21) (from Ch. 111, par. 5371)

(Section scheduled to be repealed on January 1, 2027)

Sec. 21. Restoration of license. At any time after the suspension or revocation of any license, the Department may restore it to the licensee upon the written recommendation of the Board unless after an investigation and hearing the Board or Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the accused person prior to restoring the accused person's ~~his or her~~ license.

(Source: P.A. 99-572, eff. 7-15-16.)

(225 ILCS 15/21.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 21.2. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender the licensee's ~~his or her~~ license to the Department. If the licensee fails to do so, the Department has the right to seize the license.

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

(225 ILCS 15/25) (from Ch. 111, par. 5375)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 94-870, eff. 6-16-06.)

(225 ILCS 15/26) (from Ch. 111, par. 5376)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26. Rendering services without a license. Any person rendering or offering to render clinical psychological services as defined in Section 2 of this Act or represents the person ~~himself or herself~~ or the person's ~~his or her~~ services as clinical psychological services as defined in Section 2 of this Act, when the person ~~he or she~~ does not possess a currently valid license as defined herein commits a Class B misdemeanor, for a first offense; and for a second or subsequent violation commits a Class 4 felony.

(Source: P.A. 89-387, eff. 8-20-95; 89-702, eff. 7-1-97.)

(225 ILCS 15/26.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.5. Advertising services. A licensee shall include in every advertisement for services regulated under this Act the licensee's ~~his or her~~ title as it appears on the license or the initials authorized under this Act.

(Source: P.A. 91-310, eff. 1-1-00.)

(225 ILCS 15/27) (from Ch. 111, par. 5377)

(Section scheduled to be repealed on January 1, 2027)

Sec. 27. Injunctions. It is hereby declared to be a public nuisance for any person to render or offer to render clinical psychological services as defined in Section 2 of this Act or to represent oneself ~~himself~~ as a clinical psychologist or that the services the person ~~he or she~~ renders are clinical psychological services as defined in Section 2 of this Act, without having in effect a currently valid license as defined in this Act. The Secretary, Attorney General, or the State's Attorney of the county in which such nuisance has occurred may file a complaint in the circuit court in the name of the People of the State of Illinois perpetually to enjoin such person from performing such unlawful acts. Upon the filing of a verified complaint in such cause, the court, if satisfied that such unlawful act has been performed and may continue to be performed, shall enter a temporary restraining order or preliminary injunction without notice or bond enjoining the defendant from performing such unlawful act.

If it is established that the defendant contrary to this Act has been rendering or offering to render clinical psychological services as defined in Section 2 of this Act or is engaging in or about to engage in representing himself or herself as a clinical psychologist or that the services the person ~~he or she~~ renders are clinical psychological services as defined in Section 2 of this Act, without having been issued a license or after the person's ~~his or her~~ license has been suspended or revoked or after the person's ~~his or her~~ license has not been renewed, the court, may enter a judgment perpetually enjoining such person from further engaging in the unlawful act. In case of violation of any injunction entered under this Section, the court, may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(Source: P.A. 94-870, eff. 6-16-06.)

Section 15. The Marriage and Family Therapy Licensing Act is amended by changing Sections 10, 15, 20, 25, 30, 45, 60, 65, 75, 85, 90, 91, 95, 135, and 145 and by adding Section 71 as follows:

(225 ILCS 55/10) (from Ch. 111, par. 8351-10)

(Section scheduled to be repealed on January 1, 2027)

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

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

"Advertise" means, but is not limited to, issuing or causing to be distributed any card, sign, website, or other similar type of publication or electronic format or a device to any person; or causing, permitting or allowing any sign or marking on or in any building, structure, newspaper, magazine or directory, or on radio, ~~or~~ television, a website, or another similar type of electronic format; or advertising by any other means designed to secure public attention.

"Approved program" means an approved comprehensive program of study in marriage and family therapy in a regionally accredited educational institution approved by the Department for the training of marriage and family therapists.

"Associate licensed marriage and family therapist" means a person to whom an associate licensed marriage and family therapist license has been issued under this Act.

"Board" means the Illinois Marriage and Family Therapy Licensing and Disciplinary Board.

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

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"First qualifying degree" means the first master's or doctoral degree, as described in paragraph (1) of subsection (b) of Section 40, that an applicant for licensure received.

"Independent practice of marriage and family therapy" means the application of marriage and family therapy knowledge and skills by a licensed marriage and family therapist who regulates and is responsible for the therapist's own practice or treatment procedures.

"License" means that which is required to practice marriage and family therapy under this Act, the qualifications for which include specific education, acceptable experience and examination requirements.

"Licensed marriage and family therapist" means a person to whom a marriage and family therapist license has been issued under this Act.

"Marriage and family therapy" means the evaluation and treatment of mental and emotional problems within the context of human relationships. Marriage and family therapy involves the use of psychotherapeutic methods to ameliorate interpersonal and intrapersonal conflict and to modify perceptions, beliefs and behavior in areas of human life that include, but are not limited to, premarriage, marriage, sexuality, family, divorce adjustment, and parenting.

"Person" means any individual, firm, corporation, partnership, organization, or body politic.

"Practice of marriage and family therapy" means the rendering of marriage and family therapy services to individuals, couples, and families as defined in this Section, either singly or in groups, whether the services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

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

~~"Title or description" means to hold oneself out as a licensed marriage and family therapist or an associate licensed marriage and family therapist to the public by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification.~~

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/15) (from Ch. 111, par. 8351-15)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Exemptions.

(a) (Blank). ~~Nothing contained in this Act shall restrict any person not licensed under this Act from performing marriage and family therapy if that person does not represent himself or herself as a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".~~

(b) Nothing in this Act shall be construed as permitting persons licensed as marriage and family therapists and associate licensed marriage and family therapists to engage in any manner in the practice of medicine as defined in the laws of this State.

(c) Nothing in this Act shall be construed to prevent qualified members of other professional groups, including, but not limited to, clinical psychologists, social workers, counselors, attorneys at law, or psychiatric nurses, from performing or advertising that they perform the work of a marriage and family therapist consistent with the laws of this State, their training, and any code of ethics of their respective

professions, provided they do not represent themselves by any title or description as a licensed marriage and family therapist or an associate licensed marriage and family therapist.

(c-5) Nothing in this Act shall be construed to limit the activities of a marriage and family therapy student or intern seeking to fulfill educational requirements or experience requirements in order to qualify for a license under this Act if the activities are under the direct supervision, order, control, and full professional responsibility of a licensed marriage and family therapist and the student or intern is designated by the title "intern" or another designation of the student's or intern's trainee status. The Department shall not accept supervised experience in which the supervisor receives monetary payment or other consideration from the supervisee or supervised experience in which the supervisor is hired by or otherwise employed by the supervisee for the supervised experience requirements for licensure. Nothing in this Section shall be construed as permitting students or interns seeking to fulfill educational requirements or experience requirements in order to qualify for a license under this Act to offer their services in marriage and family therapy to any other person or persons or to accept remuneration for such marriage and family therapy services other than as specified in this Act, unless the students or interns have been licensed under the provisions of this Act.

(d) Nothing in this Act shall be construed to prevent any person from the bona fide practice of the doctrines of an established church or religious denomination if the person does not hold oneself ~~himself or herself~~ out to be a licensed marriage and family therapist or an associate licensed marriage and family therapist.

(e) Nothing in this Act shall prohibit self-help groups or programs or not-for-profit organizations from providing services so long as these groups, programs, or organizations do not hold themselves out as practicing or being able to practice marriage and family therapy.

(f) This Act does not prohibit:

(1) A person from practicing marriage and family therapy as part of the person's ~~his or her~~ duties as an employee of a recognized academic institution, or a federal, State, county, or local governmental institution or agency while performing those duties for which the person ~~he or she~~ was employed by the institution, agency or facility.

(2) (Blank). ~~A person from practicing marriage and family therapy as part of his or her duties as an employee of a nonprofit organization consistent with the laws of this State, his or her training, and any code of ethics of his or her respective professions, provided the person does not represent himself or herself as a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".~~

(3) A person from practicing marriage and family therapy if the person is obtaining experience for licensure as a marriage and family therapist, provided the person is designated by a title that clearly indicates training status. A person who provides services pursuant to the exemption in this paragraph (3) and who violates any provision of this Act or its rules shall be subject to the provisions of Sections 90 and 91.

(4) A person licensed in this State under any other Act from engaging the practice for which the person ~~he or she~~ is licensed.

(5) A person from practicing marriage and family therapy if the person is a marriage and family therapist regulated under the laws of another State, territory of the United States or country and who has applied in writing to the Department, on forms prepared and furnished by the Department, for licensing as a marriage and family therapist and who is qualified to receive a license under Section 40 until the expiration of 6 months after the filing of the written application, the withdrawal of the application, a notice of intent to deny the application, or the denial of the application by the Department, whichever occurs first.

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/20) (from Ch. 111, par. 8351-20)

(Section scheduled to be repealed on January 1, 2027)

Sec. 20. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers, and duties:

(a) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and qualified.

(b) Adopt rules required for the administration of this Act, including, but not limited to, rules for a method of examination of candidates and for determining approved graduate programs. All examinations, either conducted or authorized, must allow reasonable accommodations for an applicant

whose primary language is not English if an examination in the applicant's primary language is not available. All examinations either conducted or authorized must comply with all communication, access, and reasonable modification requirements in Section 504 of the federal Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

(b-5) Prescribe forms to be issued for the administration and enforcement of this Act consistent with and reflecting the requirements of this Act and rules adopted pursuant to this Act.

(c) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, ~~or~~ reprimand, or impose any other discipline upon persons licensed under the provisions of this Act.

(d) Conduct investigations related to possible violations of this Act.

The Board may make recommendations on matters relating to continuing education, including the number of hours necessary for license renewal, waivers for those unable to meet the requirements, and acceptable course content.

(Source: P.A. 104-178, eff. 1-1-26.)

(225 ILCS 55/25) (from Ch. 111, par. 8351-25)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25. Marriage and Family Therapy Licensing and Disciplinary Board.

(a) The Secretary shall appoint a Marriage and Family Therapy Licensing and Disciplinary Board. The Board shall be composed of 7 persons who shall serve in an advisory capacity to the Secretary. The Board shall annually elect a chairperson and a vice chairperson.

(b) In appointing members of the Board, the Secretary shall give due consideration to recommendations by members of the profession of marriage and family therapy and by the statewide organizations solely representing the interests of marriage and family therapists.

(c) Five members of the Board shall be marriage and family therapists who have been in active practice for at least 5 years immediately preceding their appointment, or engaged in the education and training of masters, doctoral, or post-doctoral students of marriage and family therapy, or engaged in marriage and family therapy research. Each marriage or family therapy teacher or researcher shall have spent the majority of the time devoted to the study or research of marriage and family therapy during the 2 years immediately preceding the marriage or family therapy teacher's or researcher's ~~his or her~~ appointment to the Board. The appointees shall be licensed under this Act.

(d) Two members shall be representatives of the general public who have no direct affiliation or work experience with the practice of marriage and family therapy, social work or clinical social work, professional counseling or clinical professional counseling, or clinical psychology and who clearly represent consumer interests.

(e) Board members shall be appointed for terms of 4 years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Board member whom the person ~~he or she~~ shall succeed. Upon the expiration of this term of office, a Board member shall continue to serve until a successor is appointed and qualified. No member shall serve more than 2 ~~consecutive~~ 4-year terms.

(f) The membership of the Board shall reasonably reflect representation from the various geographic areas of the State.

(g) Members of the Board shall have no liability in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(h) The Secretary may remove any member of the Board for any cause that, in the sole opinion of the Secretary, reasonably justifies termination.

(i) The Secretary may consider the recommendations of the Board on questions of standards of professional conduct, discipline, and qualification of candidates or licensees under this Act.

(j) The members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(k) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/30) (from Ch. 111, par. 8351-30)

(Section scheduled to be repealed on January 1, 2027)

Sec. 30. Application.

(a) Applications for original licensure shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the appropriate documentation and the required fee, which shall not be refundable. Any application shall require such information as, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for licensing.

(b) Applicants have 3 years from the date of application to complete the application process. If the application has not been completed within 3 years, the application shall expire ~~be denied~~, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(c) A license shall not be denied to an applicant because of the applicant's race, religion, creed, national origin, real or perceived immigration status, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability to practice with reasonable judgment, skill, or safety.

(Source: P.A. 103-715, eff. 1-1-25.)

(225 ILCS 55/45) (from Ch. 111, par. 8351-45)

(Section scheduled to be repealed on January 1, 2027)

Sec. 45. Licenses; renewals; restoration; person in military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a condition for renewal of a license, the licensee shall be required to complete continuing education under requirements set forth in rules of the Department.

(b) Any person who has permitted the person's ~~his or her~~ license to expire may have the person's ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the person's ~~his or her~~ license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, complying with any continuing education requirements, and paying the required restoration fee.

(c) If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require the person to complete a period of evaluated clinical experience and successful completion of a practical examination.

However, any person whose license expired while the person ~~he or she~~ has been engaged (i) in federal service on active duty with the Armed Forces of the United States or called into service or training with the State Militia, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have the person's ~~his or her~~ license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of the service, training or education, except under condition other than honorable, the person ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the person ~~he or she~~ has been so engaged and that the service, training, or education has been so terminated.

(d) Any person who notifies the Department, in writing on forms prescribed by the Department, may place the person's ~~his or her~~ license on inactive status and shall be excused from the payment of renewal fees until the person notifies the Department in writing of the intention to resume active practice.

(e) Any person requesting that the person's ~~his or her~~ license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements.

(f) Any marriage and family therapist or associate licensed marriage and family therapist whose license is nonrenewed or on inactive status shall not engage in the practice of marriage and family therapy in the State of Illinois and use the title or advertise that he or she performs the services of a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".

(g) Any person violating subsection (f) of this Section shall be considered to be practicing without a license and will be subject to the disciplinary provisions of this Act.

(h) (Blank).

(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/60) (from Ch. 111, par. 8351-60)

(Section scheduled to be repealed on January 1, 2027)

Sec. 60. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting

unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 55/65) (from Ch. 111, par. 8351-65)

(Section scheduled to be repealed on January 1, 2027)

Sec. 65. Endorsement. The Department may issue a license as a licensed marriage and family therapist, without the required examination, to an applicant licensed under the laws of another state if the requirements for licensure in that state are, on the date of licensure, substantially equivalent to the requirements of this Act or to a person who, at the time of the person's ~~his or her~~ application for licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay all of the required fees.

An individual applying for licensure as a licensed marriage and family therapist who has been licensed without discipline at the independent level in another United States jurisdiction for at least 30 months during the 5 consecutive years preceding application is not required to submit proof of completion of the education, professional experience, and supervision required in Section 40. Individuals meeting this requirement must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements and pay all required fees.

If the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

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

(Source: P.A. 102-1053, eff. 6-10-22; 103-955, eff. 1-1-25.)

(225 ILCS 55/71 new)

Sec. 71. Temporary authorization of practice by persons licensed in other jurisdictions.

(a) A person licensed in another jurisdiction is authorized to render marriage and family therapy services in this State for up to 10 calendar days per year, consecutively or in aggregate, if the individual is licensed in good standing to practice marriage and family therapy independently in another state, province, or territory. Any portion of a calendar day in which the person provides services in this State shall be considered as one working day. A person practicing pursuant to this subsection (a) shall not establish a permanent office location in this State, nor prepare or publish letterhead, business cards, or similar publicity materials listing an Illinois address or Illinois-based phone number. Any time that the person devotes to providing testimony in court or in deposition as a marriage and family therapist shall not be counted as part of the 10 calendar days allowed under this subsection (a).

(b) The Secretary may temporarily authorize an individual to practice marriage and family therapy if the individual:

(1) holds an active, unencumbered license in good standing in another jurisdiction; and

(2) has applied for a license under this Act due to a natural disaster or catastrophic event in the jurisdiction in which the individual is licensed.

The temporary authorization granted under this subsection (b) shall expire upon the issuance of a license under this Act to the individual or upon notification to the individual that licensure has been denied by the Department.

(c) Any marriage and family therapist practicing pursuant to subsection (a) or (b) of this Section shall be subject to and shall conform the marriage and family therapist's practice to the requirements of the prohibitions and sanctions under this Act, the provisions on hearings and investigations under this Act, and any rules adopted under this Act while the marriage and family therapist is practicing in this State.

(225 ILCS 55/75) (from Ch. 111, par. 8351-75)

(Section scheduled to be repealed on January 1, 2027)

Sec. 75. License; restrictions and limitations.

(a) No person shall, without a valid license as an associate licensed marriage and family therapist issued by the Department:

(1) in any manner hold oneself out to the public as an associate licensed marriage and family therapist;

(2) attach the title "associate licensed marriage and family therapist" or use the credential "A.M.F.T." or "A.L.M.F.T."; or

(3) offer to render or render to individuals, corporations, or the public associate licensed marriage and family services.

(b) No person shall, without a valid license as a licensed marriage and family therapist issued by the Department:

(1) in any manner hold oneself out to the public as a marriage and family therapist or a licensed marriage and family therapist;

(2) attach the title "marriage and family therapist" or "licensed marriage and family therapist" or use the credential "M.F.T." or "L.M.F.T."; or

(3) offer to render or render to individuals, corporations, or the public marriage and family therapist services.

(c) No business organization shall provide, attempt to provide, or offer to provide marriage and family therapy services unless every member, partner, shareholder, director, officer, holder of any other ownership interest, agent, and employee who renders marriage and family therapy services holds a currently valid license issued under this Act. No business shall be created that (1) has a stated purpose that includes marriage and family therapy, or (2) practices or holds itself out as available to practice marriage and family therapy, unless it is organized under the Professional Service Corporation Act or Professional Limited Liability Company Act. Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

(d) Individuals, corporations, professional limited liability companies, partnerships, and associations may employ practicum students, interns, or postdoctoral candidates seeking to fulfill the professional experience requirements needed to qualify for a license as a marriage and family therapist to assist in the rendering of marriage and family therapy services if the practicum students, interns, or postdoctoral candidates function under the direct supervision, order, control, and full professional responsibility of a licensed marriage and family therapist at the corporation, professional limited liability company, partnership, or association. Nothing in this paragraph shall prohibit a corporation, professional limited liability company, partnership, or association from contracting with a licensed health care professional to provide marriage and family therapy services.

(Source: P.A. 99-227, eff. 8-3-15; 100-372, eff. 8-25-17.)

(225 ILCS 55/85) (from Ch. 111, par. 8351-85)

(Section scheduled to be repealed on January 1, 2027)

Sec. 85. Refusal, revocation, or suspension.

(a) The Department may refuse to issue or renew a license, or may revoke, suspend, reprimand, place on probation, or take any other disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or combination of the following grounds:

(1) Material misstatement in furnishing information to the Department.

(2) Violation of any provision of this Act or its rules.

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

(4) Fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act or its rules.

(5) Professional incompetence.

(6) Gross negligence in practice under this Act.

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

(8) Failing, within 30 ~~60~~ days, to provide information in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public as defined by the rules of the Department, or violating the rules of professional conduct adopted by the Department.

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

(11) Discipline by another jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(13) A finding by the Department that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status, has violated the terms of probation or failed to comply with the terms.

(14) Abandonment of a patient without cause.

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

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

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

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

(19) Solicitation of professional services by using false or misleading advertising.

(20) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

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

(22) Gross, willful, and continued overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered.

(23) Failure to establish and maintain records of patient care and treatment as required by law.

(24) Cheating on or attempting to subvert the licensing examinations administered under this Act.

(25) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

(26) Being named as an abuser in a verified report by the Department on Aging and under the Adult Protective Services Act and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(b) (Blank).

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will terminate only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume

the licensee's ~~his or her~~ practice as a licensed marriage and family therapist or an associate licensed marriage and family therapist.

(d) The Department shall refuse to issue or may suspend the license of any person who fails to file a return, pay the tax, penalty, or interest shown in a filed return or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the time the requirements of the tax Act are satisfied.

(d-5) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based solely upon the person authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state.

(d-10) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely on the person violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the applicable standard of conduct for a person practicing in Illinois under this Act.

(d-15) The conduct specified in subsection (d-5), (d-10), (d-25), or (d-30) shall not constitute grounds for suspension under Section 145.

(d-20) An applicant seeking licensure, certification, or authorization pursuant to this Act who has been subject to disciplinary action by a duly authorized professional disciplinary agency of another jurisdiction solely on the basis of having authorized, recommended, aided, assisted, referred for, or otherwise participated in health care shall not be denied such licensure, certification, or authorization, unless the Department determines that such action would have constituted professional misconduct in this State; however, nothing in this Section shall be construed as prohibiting the Department from evaluating the conduct of such applicant and making a determination regarding the licensure, certification, or authorization to practice a profession under this Act.

(d-25) The Department may not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice issued under this Act based solely upon an immigration violation by the person.

(d-30) The Department may not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely upon an immigration violation by the person.

(e) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, licensed marriage and family therapists, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed.

The Department or Board may order the examining physician or any member of the multidisciplinary team to present testimony concerning the mental or physical examination of the licensee or applicant. No information, report, record, or other documents in any way related to the examination shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation.

The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of this examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

Failure of an individual to submit to a mental or physical examination, when ordered, shall result in an automatic suspension of the individual's ~~his or her~~ license until the individual submits to the examination.

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

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

(f) A fine shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(g) The Department may adopt rules to implement, administer, and enforce this Section.

(Source: P.A. 103-715, eff. 1-1-25; 104-432, eff. 1-1-26.)

(225 ILCS 55/90) (from Ch. 111, par. 8351-90)

(Section scheduled to be repealed on January 1, 2027)

Sec. 90. Violations; injunctions; cease and desist order.

(a) If any person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a marriage and family therapist or an associate marriage and family therapist or holds oneself ~~himself or herself~~ out as such without having a valid license under this Act, then any licensee, any interested party or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

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

Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.
(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 55/91)

(Section scheduled to be repealed on January 1, 2027)

Sec. 91. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself ~~himself or herself~~ out to practice as a licensed marriage and family therapist or an associate licensed marriage and family therapist without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.
(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/95) (from Ch. 111, par. 8351-95)

(Section scheduled to be repealed on January 1, 2027)

Sec. 95. Investigation; notice and hearing.

(a) The Department may investigate the actions or qualifications of any person or persons holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date set for the hearing, (i) notify the accused in writing of any charges made and the time and place for a hearing on the charges, (ii) direct the accused ~~him or her~~ to file a written answer to the charges under oath within 20 days after the service on the accused ~~him or her~~ of such notice, and (iii) inform the applicant or licensee that failure to file an answer will result in a default being entered against the applicant or licensee.

(c) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board or hearing officer may continue the hearing from time to time. In case the person, after receiving notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Secretary having first received the recommendation of the Board,~~,~~ be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at the applicant's or licensee's ~~his or her~~ address of record or email address of record.
(Source: P.A. 100-372, eff. 8-25-17; revised 6-24-25.)

(225 ILCS 55/135) (from Ch. 111, par. 8351-135)

(Section scheduled to be repealed on January 1, 2027)

Sec. 135. Restoration. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore the license to the licensee, upon the written recommendation of the Board, unless after an investigation and a hearing the Board or Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring the ~~his or her~~ license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license or permit until such time as provided for in the Civil Administrative Code of Illinois.
(Source: P.A. 100-372, eff. 8-25-17.)

(225 ILCS 55/145) (from Ch. 111, par. 8351-145)

(Section scheduled to be repealed on January 1, 2027)

Sec. 145. Summary suspension. The Secretary may summarily suspend the license of a marriage and family therapist or an associate licensed marriage and family therapist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary finds that evidence

in the Secretary's ~~his or her~~ possession indicates that a marriage and family therapist's or associate licensed marriage and family therapist's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of a marriage and family therapist or an associate licensed marriage and family therapist without a hearing, a hearing by the Board or Department must be held within 30 calendar days after the suspension has occurred.
(Source: P.A. 100-372, eff. 8-25-17.)

Section 20. The Massage Therapy Practice Act is amended by changing Sections 15, 17, 19, 25, 30, 32, 35, 45, 50, 68, 70, 75, 90, 95, 100, 105, and 165 as follows:

(225 ILCS 57/15)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Licensure requirements.

(a) Persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing or electronically on the ~~prescribed~~ forms provided by the Department and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has successfully completed a massage therapy program approved by the Department that requires a minimum of ~~500 hours, except applicants applying on or after January 1, 2014 shall meet a minimum requirement of~~ 600 hours~~,~~ and has passed a competency examination approved by the Department.

(b) Each applicant for licensure as a massage therapist shall have the applicant's ~~his or her~~ fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Illinois State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide the applicant's ~~his or her~~ fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

(c) Each applicant for licensure as a massage therapist shall submit a copy of a current and valid form of government identification that includes a photograph of the licensee, including, but not limited to, a State-issued driver's license, a State identification card, or a passport.
(Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(225 ILCS 57/17)

(Section scheduled to be repealed on January 1, 2027)

Sec. 17. Social Security number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original, renewal, reinstated, or restored license as a massage therapist under this Act shall include the applicant's Social Security number or individual taxpayer identification number.
(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/19)

(Section scheduled to be repealed on January 1, 2027)

Sec. 19. Endorsement. The Department may, in its discretion, license as a massage therapist~~,~~ by endorsement upon ~~, on~~ payment of the required fee and submission of an application, an applicant who is a massage therapist licensed under the laws of another state or territory, if the requirements for licensure in the state or territory in which the applicant was licensed were, at the date of the applicant's ~~his or her~~ licensure,

substantially equivalent to the requirements in force in this State on that date. The Department may adopt any rules necessary to implement this Section.

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

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/25)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25. Exemptions.

(a) This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which the person ~~he or she~~ is licensed.

(b) Persons exempted under this Section include, but are not limited to, physicians, podiatric physicians, naprapaths, and physical therapists.

(c) Nothing in this Act prohibits qualified members of other professional groups, including, but not limited to, nurses, occupational therapists, cosmetologists, and estheticians, from performing massage in a manner consistent with their training and the code of ethics of their respective professions.

(d) Nothing in this Act prohibits a student of an approved massage school or program from performing massage, provided that the student does not hold the student ~~himself or herself~~ out as a licensed massage therapist and does not receive compensation, including tips, for massage therapy services.

(e) Nothing in this Act prohibits practitioners that do not involve intentional soft tissue manipulation, including, but not limited to, Alexander Technique, Feldenkrais, Reike, and Therapeutic Touch, from practicing.

(f) Practitioners of certain service marked bodywork approaches that do involve intentional soft tissue manipulation, including, but not limited to, Rolfing, Trager Approach, Polarity Therapy, and Orthobionomy, are exempt from this Act if they are approved by their governing body based on a minimum level of training, demonstration of competency, and adherence to ethical standards.

(g) (Blank). ~~Until January 1, 2024, members of the American Organization for Bodywork Therapies of Asia are exempt from licensure under this Act.~~

(h) Practitioners of other forms of bodywork who restrict manipulation of soft tissue to the feet, hands, and ears, and who do not have the client disrobe, such as reflexology, are exempt from this Act.

(i) Nothing in this Act applies to massage therapists from other states or countries when providing educational programs for a period not exceeding 30 days within a calendar year.

(j) Nothing in this Act prohibits a person from treating ailments by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

(k) Nothing in this Act applies to the practice of massage therapy by a person either actively licensed as a massage therapist in another state or currently certified by the National Certification Board of Therapeutic Massage and Bodywork or other national certifying body if said person's state does not license massage therapists, if the person performs ~~he or she is performing his or her~~ duties for a Department-approved educational program for less than 30 days in a calendar year, a Department-approved continuing education program for less than 30 days in a calendar year, a non-Illinois based team or professional organization, or for a national athletic event held in this State, so long as the massage therapist ~~he or she~~ restricts the massage therapist's ~~his or her~~ practice to the massage therapist's ~~his or her~~ team or organization or to event participants during the course of the massage therapist's ~~his or her~~ team's or organization's stay in this State or for the duration of the event.

(Source: P.A. 101-421, eff. 8-16-19; 102-20, eff. 1-1-22.)

(225 ILCS 57/30)

(Section scheduled to be repealed on January 1, 2027)

Sec. 30. Title protection.

(a) Persons regulated by this Act are designated as massage therapists and therefore are exclusively entitled to utilize the terms "massage", "massage therapy", "licensed massage therapist", "LMT", "MT", and "massage therapist" when advertising or printing promotional material.

(b) Anyone who knowingly aids and abets one or more persons not authorized to use a professional title regulated by this Act or knowingly employs persons not authorized to use the regulated professional title in the course of their employment, commits a violation of this Act.

(c) Anyone not authorized, under the definitions of this Act, to utilize the term "massage", "massage therapy", "licensed massage therapist", "LMT", "MT", or "massage therapist" and who knowingly utilizes these terms when advertising commits a violation of this Act.

(d) Nothing in this Act shall prohibit the use of the terms "massage", "massage therapy", or "massage therapist" by a salon registered under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, provided that the salon offers massage therapy services in accordance with this Act.

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/32)

(Section scheduled to be repealed on January 1, 2027)

Sec. 32. Display. Every holder of a license shall display it, or a copy, in a conspicuous place in the holder's principal place of practice and ~~office or~~ any other location where the holder renders massage therapy services, and shall also present the holder's license and either an employer-issued badge that includes the holder's name and a photograph of the holder or a valid government identification that includes a photograph of the holder upon request of a client. A holder shall provide valid government identification that includes a photograph of the holder to a Department representative upon request when providing massage therapist services at any location. Every displayed license shall have the license number visible.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 57/35)

(Section scheduled to be repealed on January 1, 2027)

Sec. 35. Massage Licensing Board.

(a) The Secretary shall appoint a Massage Licensing Board, which shall serve in an advisory capacity to the Secretary. The Board shall consist of 7 members, of whom 6 shall be practicing massage therapists with at least 3 years of experience in massage. One of the massage therapist members shall represent a massage therapy school from the private sector and one of the massage therapist members shall represent a massage therapy school from the public sector. One of the massage therapist members shall be an owner of a massage business. One member of the Board shall be a member of the public who is not licensed under this Act, does not have any interest in massage therapy schools, does not own a massage therapy business, does not have any interest in businesses related to massage therapy, is not licensed as a healthcare worker in this State, as defined in the Health Care Worker Self-Referral Act, is not licensed under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, and is not licensed under similar Acts in ~~or a similar Act in Illinois or~~ another jurisdiction. Membership on the Board shall reasonably reflect the various massage therapy and non-exempt bodywork organizations. Membership on the Board shall reasonably reflect the geographic areas of the State. The Board shall meet annually to elect a chairperson and vice chairperson. The Board shall hold regularly scheduled meetings during the year. A simple majority of the Board shall constitute a quorum at any meeting. Any action taken by the Board must be on the affirmative vote of a simple majority of members. Voting by proxy shall not be permitted. In the case of an emergency where all Board members cannot meet in person, the Board may convene a meeting via an electronic format in accordance with the Open Meetings Act.

(b) Members shall be appointed to a 3-year term~~, except that initial appointees shall serve the following terms: 2 members shall serve for one year, 2 members shall serve for 2 years, and 3 members shall serve for 3 years~~. A member whose term has expired shall continue to serve until a ~~his or her~~ successor is appointed. No member shall be reappointed to the Board for a term that would cause the member's ~~his or her~~ continuous service on the Board to exceed 9 years. In the case of a Board member position that is vacated before the end of the member's term, an individual may be appointed to serve the unexpired portion of that term, and appointments ~~Appointments~~ to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion of the vacated term.

(c) The members of the Board are entitled to receive compensation for all legitimate and necessary expenses incurred while attending Board and Department meetings.

(d) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(e) The Secretary may ~~shall~~ consider the recommendations of the Board on questions involving the standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act. Nothing shall limit the ability of the Board to provide recommendations to the Secretary with ~~in~~ regard to any matter affecting the administration of this Act. ~~The Secretary shall give due consideration to all recommendations of the Board.~~

(f) The Secretary may terminate the appointment of any member for cause which, in the opinion of the Secretary reasonably justifies termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/45)

(Section scheduled to be repealed on January 1, 2027)

Sec. 45. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action, as the Department considers appropriate, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license or licensee for any one or more of the following:

(1) violations of this Act or of the rules adopted under this Act;

(2) conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony; or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession;

(3) professional incompetence, which may include, but is not limited to, failure of a licensee to adhere to the professional code of ethics established by nationally recognized professional organizations;

(4) advertising in a false, deceptive, or misleading manner, including failing to use the massage therapist's own license number in an advertisement;

(5) aiding, abetting, assisting, procuring, advising, employing, or contracting with any unlicensed person to practice massage contrary to any rules or provisions of this Act;

(6) engaging in immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice;

(7) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(8) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that the licensee ~~he or she~~ is not competent to perform;

(9) knowingly delegating professional responsibilities to a person unqualified by training, experience, or licensure to perform;

(10) failing to provide information in response to a written request made by the Department within 60 days;

(11) having a habitual or excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;

(12) having a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act;

(13) discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(14) a finding by the Department that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status, has violated the terms of probation;

(15) willfully making or filing false records or reports in the person's ~~his or her~~ practice, including, but not limited to, false records filed with State agencies or departments;

(16) making a material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;

(17) fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act;

(18) inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, or a mental illness or disability;

(19) charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered, except that licensees may charge a client fees for late cancellations and failure to attend appointments if the client is informed of the fees for late cancellations and failure to attend appointments at the time of booking an appointment;

(20) practicing under a false or, except as provided by law, an assumed name; or

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

All fines shall be paid within 60 days of the effective date of the order imposing the fine.

(b) A person not licensed under this Act and engaged in the business of offering massage therapy services through others, shall not aid, abet, assist, procure, advise, employ, or contract with any unlicensed person to practice massage therapy contrary to any rules or provisions of this Act. A person violating this subsection (b) shall be treated as a licensee for the purposes of disciplinary action under this Section and shall be subject to cease and desist orders as provided in Section 90 of this Act.

(c) The Department shall revoke any license issued under this Act of any person who is convicted of prostitution, rape, sexual misconduct, or any crime that subjects the licensee to compliance with the requirements of the Sex Offender Registration Act and any such conviction shall operate as a permanent bar in the State of Illinois to practice as a massage therapist.

(c-5) A prosecuting attorney shall provide notice to the Department of the licensed massage therapist's name, address, practice address, and license number and a copy of the criminal charges filed immediately after a licensed massage therapist has been charged with any of the following offenses:

(1) an offense for which the sentence includes registration as a sex offender;

(2) involuntary sexual servitude of a minor;

(3) the crime of battery against a patient, including any offense based on sexual conduct or sexual penetration, in the course of patient care or treatment; or

(4) a forcible felony.

If the victim of the crime the licensee has been charged with is a patient of the licensee, the prosecuting attorney shall also provide notice to the Department of the patient's name.

Within 5 business days after receiving notice from the prosecuting attorney of the filing of criminal charges against the licensed massage therapist, the Secretary shall issue an administrative order that the licensed massage therapist shall practice only with a chaperone during all patient encounters pending the outcome of the criminal proceedings. The chaperone shall be a licensed massage therapist or other health care worker licensed by the Department. The administrative order shall specify any other terms or conditions deemed appropriate by the Secretary. The chaperone shall provide written notice to all of the licensed massage therapist's patients explaining the Department's order to use a chaperone. Each patient shall sign an acknowledgment that the patient received the notice. The notice to the patient of criminal charges shall include, in 14-point font, the following statement: "The massage therapist is presumed innocent until proven guilty of the charges.".

The licensed massage therapist shall provide a written plan of compliance with the administrative order that is acceptable to the Department within 5 business days after receipt of the administrative order. Failure to comply with the administrative order, failure to file a compliance plan, or failure to follow the compliance plan shall subject the licensed massage therapist to temporary suspension of the licensed massage therapist's ~~his or her~~ license until the completion of the criminal proceedings.

If the licensee is not convicted of the charge or if any conviction is later overturned by a reviewing court, the administrative order shall be vacated and removed from the licensee's record.

The Department may adopt rules to implement this subsection.

(d) The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, to pay the tax, penalty, or interest shown in a filed tax return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(e) (Blank).

(f) In cases where the Department of Healthcare and Family Services has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.

(g) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient.

(h) In enforcing this Act, the Department or Board, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

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

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

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

(Source: P.A. 103-757, eff. 8-2-24; 104-417, eff. 8-15-25.)

(225 ILCS 57/50)

(Section scheduled to be repealed on January 1, 2027)

Sec. 50. Advertising. It is a misdemeanor for any person, organization, or corporation to advertise massage services unless the person providing the service holds a valid license under this Act, except for those excluded licensed professionals who are allowed to include massage in their scope of practice. A massage therapist may not advertise unless the massage therapist ~~he or she~~ has a current license issued by this State. A massage therapist shall include the current license number issued by the Department on all advertisements in accordance with paragraph (4) of subsection (a) of Section 45. "Advertise" as used in this Section includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle, or structure; advertising in any newspaper or magazine; any listing or advertising in any directory under a classification or heading that includes the words "massage", "massage therapist", "therapeutic massage", or "massage therapeutic"; or commercials broadcast by any means.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 57/68)

(Section scheduled to be repealed on January 1, 2027)

Sec. 68. Abnormal skin growth education.

(a) In addition to any other requirements under this Act, the following applicants must provide proof of completion of a course approved by the Department in abnormal skin growth education, including training on identifying melanoma:

(1) An applicant who submits an application for original licensure on or after January 1, 2026.

(2) An applicant who was licensed before January 1, 2026 when submitting the applicant's first application for renewal or restoration of a license on or after January 1, 2026.

(b) Nothing in this Section shall be construed to create a cause of action or any civil liabilities or to require or permit a licensee or applicant under this Act to practice medicine or otherwise practice outside of the scope of practice of a licensed massage therapist.

(c) A person licensed under this Act may refer an individual to seek care from a medical professional regarding an abnormal skin growth. Neither a person licensed under this Act who completes abnormal skin growth education ~~as a part of the person's continuing education~~, nor the person's employer, shall be civilly or criminally liable for acting in good faith or failing to act on information obtained during the course of practicing in the person's profession or employment concerning potential abnormal skin growths.

(Source: P.A. 103-851, eff. 8-9-24.)

(225 ILCS 57/70)

(Section scheduled to be repealed on January 1, 2027)

Sec. 70. Restoration of expired licenses. A massage therapist who has permitted the massage therapist's ~~his or her~~ license to expire or who has had the massage therapist's ~~his or her~~ license on inactive status may have the ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of the massage therapist's ~~his or her~~ fitness to have the ~~his or her~~ license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, and by paying the required restoration fee and showing proof of completion of required continuing education. Licensees must provide proof of completion of 25 ~~24~~ hours approved continuing education to renew their license.

If the massage therapist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the massage therapist's ~~his or her~~ fitness to resume active status and may require the massage therapist to complete a period of evaluated clinical experience and may require successful completion of an examination.

A massage therapist whose license has been expired or placed on inactive status for more than 5 years may have the ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of the massage therapist's ~~his or her~~ fitness to have the ~~his or her~~ license restored, including sworn evidence certifying to active practice in another jurisdiction, by paying the required restoration fee, and by showing proof of the completion of 25 ~~24~~ hours of continuing education.

However, any massage therapist ~~registrant~~ whose license has expired while the massage therapist ~~he or she~~ has been engaged (i) in Federal Service on active duty with the United States Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, or Public Health Service or the State Militia called into the service or training of the United States of America, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have the massage therapist's ~~his or her~~ license reinstated or restored without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, the massage therapist ~~he or she~~ furnishes to the Department with satisfactory evidence to the effect that the massage therapist ~~he or she~~ has been so engaged and that the massage therapist's ~~his or her~~ service, training, or education has been so terminated.

(Source: P.A. 103-746, eff. 1-1-25.)

(225 ILCS 57/75)

(Section scheduled to be repealed on January 1, 2027)

Sec. 75. Inactive licenses. Any massage therapist who notifies the Department in writing or electronically on forms provided ~~prescribed~~ by the Department may elect to place the massage therapist's ~~his or her~~ license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the massage therapist ~~he or she~~ notifies the Department in writing of the massage therapist's ~~his or her~~ desire to resume active status.

A massage therapist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the massage therapist's ~~his or her~~ license as provided in Section 70 of this Act.

Any massage therapist whose license is on inactive status shall not practice massage therapy in the State, and any practice conducted shall be deemed unlicensed practice.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/90)

(Section scheduled to be repealed on January 1, 2027)

Sec. 90. Violations; injunction; cease and desist order.

(a) If any person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney in the county in which the offense occurs, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person administers ~~practices as a~~ massage for compensation ~~therapist~~ or holds oneself ~~himself or herself~~ out as a massage therapist without being licensed under the provisions of this Act, then the Secretary, any licensed massage therapist, any interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section or may apply to the circuit court of the county in which the violation or some part thereof occurred, or in which the person complained of has his or her principal place of business or resides, to prevent the violation. The court has jurisdiction to enforce obedience by injunction or by other process restricting the person complained of from further violation and enjoining upon the person's ~~him or her~~ obedience.

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

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/95)

(Section scheduled to be repealed on January 1, 2027)

Sec. 95. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render massage therapy services or any person holding or claiming to hold a license as a massage therapist. The Department shall, before refusing to issue or renew a license or to discipline a licensee under Section 45, at least 30 days prior to the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused ~~him or her~~ to file a written answer with the Department under oath within 20 days after the service of the notice, and (iii) inform the accused ~~applicant or licensee~~ that failure to file an answer will result in a default judgment being entered against the accused ~~applicant or licensee~~. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties of their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, the ~~his or her~~ license may, in the discretion of the Department, be revoked, suspended, placed on probationary status, or the Department may take whatever disciplinary actions considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The written notice may be served by personal delivery, by ~~certified~~ mail to the accused's address of record, or by email to the accused's email address of record.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 57/100)

(Section scheduled to be repealed on January 1, 2027)

Sec. 100. Record of proceedings ~~Stenographer~~; transcript. The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the formal hearing of any case. Any notice, all documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, reports of the Board and hearing officer, and orders of the Department shall be in the record of the proceeding. The record may be made available to any person interested in the hearing upon the payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. The Department may contract for court reporting services, and, in the event it does so, the Department shall provide the name and contact

information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon the payment of the fee specified by the certified shorthand reporter. This charge shall be in addition to any fee charged by the Department for certifying the record.

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/105)

(Section scheduled to be repealed on January 1, 2027)

Sec. 105. Subpoenas; depositions; oaths.

(a) The Department may subpoena and bring before it any person to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or the Secretary's ~~his or her~~ designee deems relevant or material to any such investigation or hearing conducted by the Department with the same fees and in the same manner as prescribed in civil cases in the courts of this State.

(b) Any circuit court, upon the application of the licensee or the Department, may order the attendance and testimony of witnesses and the production of relevant documents, files, records, books, and papers in connection with any hearing or investigation. The circuit court may compel obedience to its order by proceedings for contempt.

(c) The Secretary, the hearing officer, any member of the Board, or a certified shorthand court reporter may administer oaths at any hearing the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents, or records shall be in accordance with this Act.

(Source: P.A. 97-514, eff. 8-23-11.)

(225 ILCS 57/165)

(Section scheduled to be repealed on January 1, 2027)

Sec. 165. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself ~~himself or herself~~ out to practice massage therapy or as a massage therapist without being licensed under this Act, or any person not licensed under this Act who aids, abets, assists, procures, advises, employs, or contracts with any unlicensed person to practice massage therapy contrary to any rules or provisions of this Act, shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each violation of this Act as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(d) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 97-514, eff. 8-23-11.)

Section 25. The Medical Practice Act of 1987 is amended by changing Sections 5, 7.1, 9, 9.3, 9.5, 9.7, 11, 15, 17, 18, 21, 22, 22.2, 23, 26, 36, 37, 38, 40, 44, 49, 54, 54.2, 54.5, 58, and 66 and by adding Section 70 as follows:

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

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Because the candid and conscientious evaluation of clinical practices is essential to the provision of adequate health care, it is the policy of this State to encourage peer review by health care providers. Therefore, while serving upon any committee whose purpose, directly or indirectly, is internal quality control or medical study to reduce morbidity or mortality, or for improving patient care or physician services within a hospital duly licensed under the Hospital Licensing Act, or within a professional association of persons licensed under this Act, or the improving or benefiting of patient care and treatment whether within a hospital or not, or for the purpose of professional discipline, any person serving on such committee, and any person providing service to such committees, shall not be liable for civil damages as a result of their acts, omissions, decisions, or any other conduct in connection with their duties on such committees, except those involving willful ~~wilful~~ or wanton misconduct.

Information considered shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the "Code of Civil Procedure~~", as now or hereafter amended~~.
(Source: P.A. 85-1209; revised 6-24-25.)

(225 ILCS 60/7.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 7.1. Medical Board.

(A) There is hereby created the Illinois State Medical Board. The Medical Board shall advise the Secretary. The Medical Board shall consist of 17 members, to be appointed by the Governor by and with the advice and consent of the Senate. All members shall be residents of the State, not more than 8 of whom shall be members of the same political party. All members shall be voting members. Eight members shall be physicians licensed to practice medicine in all of its branches in Illinois possessing the degree of doctor of medicine. Two members shall be physicians licensed to practice medicine in all its branches in Illinois possessing the degree of doctor of osteopathy or osteopathic medicine. Two of the physician members shall be physicians who collaborate with physician assistants. Two members shall be chiropractic physicians licensed to practice in Illinois and possessing the degree of doctor of chiropractic. Two members shall be physician assistants licensed to practice in Illinois. Three members shall be members of the public, who shall not be engaged in any way, directly or indirectly, as providers of health care.

(B) Members of the Medical Board shall be appointed for terms of 4 years. Upon the expiration of the term of any member, their successor shall be appointed for a term of 4 years by the Governor by and with the advice and consent of the Senate. The Governor shall fill any vacancy for the remainder of the unexpired term with the advice and consent of the Senate. Upon recommendation of the Medical Board, any member of the Medical Board may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty, after notice, and a public hearing, unless such notice and hearing shall be expressly waived in writing. Each member shall serve on the Medical Board until their successor is appointed and qualified. No member of the Medical Board shall serve more than 2 consecutive 4-year terms.

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

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

(C) The Medical Board shall annually elect one of its voting members as chairperson and one as vice chairperson. No officer shall be elected more than twice in succession to the same office. Each officer shall serve until their successor has been elected and qualified.

(D) A majority of the Medical Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Medical Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Medical Board. Any action taken by the Medical Board under this Act may be authorized by resolution at any regular or special meeting and each such resolution shall take effect immediately. The Medical Board shall meet at least quarterly.

(E) Each member shall be paid their necessary expenses while engaged in the performance of their duties.

(F) The Secretary shall select a Chief Medical Coordinator and not less than 2 Deputy Medical Coordinators who shall not be members of the Medical Board. Each medical coordinator shall be a physician licensed to practice medicine in all of its branches, and the Secretary shall set their rates of compensation. The Secretary shall assign at least one medical coordinator to a region composed of Cook County and such other counties as the Secretary may deem appropriate, and such medical coordinator or coordinators shall locate their office in Chicago. The Secretary shall assign at least one medical coordinator to a region composed of the balance of counties in the State, and such medical coordinator or coordinators shall locate their office in Springfield. The Chief Medical Coordinator shall be the chief enforcement officer of this Act. None of the functions, powers, or duties of the Department with respect to policies regarding enforcement or discipline under this Act, including the adoption of such rules as may be necessary for the administration of this Act, shall be exercised by the Department except upon review of the Medical Board.

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

(H) Upon the specific request of the Medical Board, signed by either the chairperson, vice chairperson, or a medical coordinator of the Medical Board, the Department of Human Services, the Department of Healthcare and Family Services, the Illinois ~~Department of~~ State Police, or any other law enforcement agency located in this State shall make available any and all information that they have in their possession regarding a particular case then under investigation by the Medical Board.

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

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

(Source: P.A. 102-20, eff. 1-1-22.)

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

(Section scheduled to be repealed on January 1, 2027)

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

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

(B) Submit evidence satisfactory to the Department that the applicant:

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

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

(3) (blank); and

(4) is physically, mentally, and professionally capable of practicing medicine with reasonable judgment, skill, and safety. In determining physical and mental capacity under this Section, the Medical Board may, upon a showing of a possible incapacity or conduct or activities that would constitute grounds for discipline under this Act, compel any applicant to submit to a mental or physical examination and evaluation, or both, as provided for in Section 22 of this Act. The Medical Board may condition or restrict any license, subject to the same terms and conditions as are provided for the Medical Board under Section 22 of this Act. Any such condition of a restricted license shall provide that the Chief Medical Coordinator or Deputy Medical Coordinator shall have the authority to review the subject physician's compliance with such conditions or restrictions, including, where appropriate, the physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records of patients. The Medical Board, in determining mental capacity, shall consider the latest recommendations of the Federation of State Medical Boards.

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

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

(2) Specialized training or education.

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

(4) Participation in federal, State, local, or international public health programs or organizations.

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

(5.5) Successful completion of a re-entry course.

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

Any applicant applying for a license to practice medicine in all of its branches or for a license as a chiropractic physician who has not been engaged in the active practice of medicine or has not been enrolled in a medical program for 2 years prior to application must submit proof of professional capacity to the Medical Board.

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

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

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

(E) Pursuant to Department rules, as required, pass an examination authorized by the Department to determine the applicant's fitness to receive a license.

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

(Source: P.A. 102-20, eff. 1-1-22; 103-442, eff. 1-1-24.)

(225 ILCS 60/9.3)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9.3. Withdrawal of application. Any applicant applying for a license or permit under this Act may withdraw the applicant's ~~his or her~~ application at any time. If an applicant withdraws the applicant's ~~his or her~~ application after receipt of a written Notice of Intent to Deny License or Permit, then the withdrawal shall be reported to the Federation of State Medical Boards.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 60/9.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9.5. Social Security Number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number or individual taxpayer identification number~~,~~ which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or reinstated license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12; 98-1140, eff. 12-30-14.)

(225 ILCS 60/9.7)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9.7. Criminal history records background check. Each applicant for licensure or permit under Sections 9, 15.5, 18, and 19 shall have the applicant's ~~his or her~~ fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Illinois State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a Department designated or approved vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide the applicant's ~~his or her~~ fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

(Source: P.A. 102-538, eff. 8-20-21.)

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

(Section scheduled to be repealed on January 1, 2027)

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

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

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

(a) that the applicant is a graduate of a medical or osteopathic college in the United States or, its territories and ~~or Canada,~~ that the applicant has completed a 2-year ~~2 year~~ course of instruction in a college of liberal arts, or its equivalent, and a course of instruction in a medical or osteopathic college approved by the Department or by a private, not-for-profit ~~not for profit~~ accrediting body approved by the Department, and in addition thereto, a course of postgraduate clinical training of not less than 12 months as approved by the Department; or

(b) that the applicant is a graduate of a medical or osteopathic college located outside the United States or, its territories ~~or Canada,~~ and that the degree conferred is officially recognized by the country for the purposes of licensure, that the applicant has completed a 2-year ~~2 year~~ course of instruction in a college of liberal arts or its equivalent, and a course of instruction in a medical or osteopathic college approved by the Department, which course shall have been not less than 132 weeks in duration and shall have been completed within a period of not less than 35 months, and, in addition thereto, has completed a course of postgraduate clinical training of not less than 12 months, as approved by the Department, and has complied with any other standards established by rule.

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

(c) that the applicant has studied medicine at a medical or osteopathic college located outside the United States or, its territories and ~~, or Canada,~~ that the applicant has completed a 2-year ~~2 year~~ course of instruction in a college of liberal arts or its equivalent and all of the formal requirements of a foreign medical school except internship and social service, which course shall have been not less than 132 weeks in duration and shall have been completed within a period of not less than 35 months; that the applicant has submitted an application to a medical college accredited by the Liaison Committee on Medical Education and submitted to such evaluation procedures, including use of nationally recognized medical student tests or tests devised by the individual medical college, and that the applicant has satisfactorily completed one academic year of supervised clinical training under the direction of such medical college; and, in addition thereto has completed a course of postgraduate clinical training of not less than 12 months, as approved by the Department, and has complied with any other standards established by rule.

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

(2) Effective January 1, 1988, for applications for licensure made subsequent to January 1, 1988, under Sections 9 or 17 of this Act by individuals not described in paragraph (3) of subsection (A) of Section 11 who graduated after December 31, 1984:

(a) that the applicant: (i) graduated from a medical or osteopathic college officially recognized by the jurisdiction in which it is located for the purpose of receiving a license to practice medicine in all of its branches, and the applicant has completed, as defined by the Department, a 6-year ~~6 year~~ postsecondary course of study comprising at least 2 academic years of study in the basic medical sciences; and 2 academic years of study in the clinical sciences, while enrolled in the medical college which conferred the degree, the core rotations of which must have been completed in clinical teaching facilities owned, operated or formally affiliated with the medical college which conferred the degree, or under contract in teaching facilities owned, operated or affiliated with another medical college which is officially recognized by the jurisdiction in which the medical school which conferred the degree is located; or (ii) graduated from a medical or osteopathic college accredited by the Liaison Committee on Medical Education, the Committee on Accreditation of Canadian Medical Schools in conjunction with the

Liaison Committee on Medical Education, or the Bureau of Professional Education of the American Osteopathic Association; and, (iii) in addition thereto, has completed 24 months of postgraduate clinical training, as approved by the Department; or

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

(3) (Blank).

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

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

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

(1) For an applicant who was a resident student and who is a graduate after July 1, 1926, of a chiropractic college or institution, that such school, college or institution, at the time of the applicant's graduation required as a prerequisite to admission thereto a 4-year ~~4 year~~ course of instruction in a high school, and, as a prerequisite to graduation therefrom, a course of instruction in the treatment of human ailments, of not less than 132 weeks in duration and which shall have been completed within a period of not less than 35 months except that as to students matriculating or entering upon a course of chiropractic study during the years 1940, 1941, 1942, 1943, 1944, 1945, 1946, and 1947, such elapsed time shall be not less than 32 months, such high school and such school, college or institution having been reputable and in good standing in the judgment of the Department.

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

(3) For an applicant who is a graduate of a United States chiropractic college after August 19, 1981, the college of the applicant must be fully accredited by the Commission on Accreditation of the Council on Chiropractic Education or its successor at the time of graduation. Such graduates shall be considered to have met the minimum requirements which shall be in addition to those requirements set forth in the rules and regulations promulgated by the Department.

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

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

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

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Chiropractic physician; license for general practice. Any chiropractic physician licensed under this Act shall be permitted to take the examination for licensure as a physician to practice medicine in all its branches and shall receive a license to practice medicine in all of its branches if the chiropractic physician ~~he or she~~ shall successfully pass such examination, upon proof of having successfully completed in a medical college, osteopathic college or chiropractic college reputable and in good standing in the judgment of the Department, courses of instruction in materia medica, therapeutics, surgery, obstetrics, and theory and practice deemed by the Department to be equal to the courses of instruction required in those subjects for admission to the examination for a license to practice medicine in all of its branches, together with proof of having completed (a) the 2-year ~~2 year~~ course of instruction in a college of liberal arts, or its equivalent, required under this Act, and (b) a course of postgraduate clinical training of not less than 24 months as approved by the Department.

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

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

(Section scheduled to be repealed on January 1, 2027)

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

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

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

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

(D) Is physically, mentally, and professionally capable of practicing medicine or treating human ailments without the use of drugs and without operative surgery with reasonable judgment, skill, and safety. In determining physical, mental and professional capacity under this Section, the Medical Board may, upon a showing of a possible incapacity, compel an applicant to submit to a mental or physical examination and evaluation, or both, and may condition or restrict any temporary license, subject to the same terms and conditions as are provided for the Medical Board under Section 22 of this Act. Any such condition of restricted temporary license shall provide that the Chief Medical Coordinator or Deputy Medical Coordinator shall have the authority to review the subject physician's compliance with such conditions or restrictions, including, where appropriate, the physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records of patients.

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

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

training program. Such a revocation or suspension shall comply with the procedures set forth in subsection (d) of Section 37 of this Act.

(Source: P.A. 102-20, eff. 1-1-22.)

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

(Section scheduled to be repealed on January 1, 2027)

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

(A) Visiting professor permit.

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

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

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

(c) the Department may prescribe the information necessary to establish an applicant's eligibility for a permit. This information shall include, without limitation: (i) a statement from the dean of the medical school at which the applicant will be employed describing the applicant's qualifications and (ii) a statement from the dean of the medical school listing every affiliated institution in which the applicant will be providing instruction as part of the medical school's education program and justifying any clinical activities at each of the institutions listed by the dean.

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

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

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

(5) Persons holding a permit under this Section shall only practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery in the State of Illinois in their official capacity under their contract within the medical school itself and any affiliated institution in which the permit holder is providing instruction as part of the medical school's educational program and for which the medical school has assumed direct responsibility.

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

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

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

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

(B) Visiting physician permit.

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

(a) (blank);

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

(c) that the person has received an invitation or appointment to study, demonstrate, or perform a specific medical, osteopathic, chiropractic, or clinical subject or technique in a

medical, osteopathic, or chiropractic school, a state or national medical, osteopathic, or chiropractic professional association or society conference or meeting, a hospital licensed under the Hospital Licensing Act, a hospital organized under the University of Illinois Hospital Act, or a facility operated pursuant to the Ambulatory Surgical Treatment Center Act; and

(d) that the temporary visiting physician permit shall only permit the holder to practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery within the scope of the medical, osteopathic, chiropractic, or clinical studies, or in conjunction with the state or national medical, osteopathic, or chiropractic professional association or society conference or meeting, for which the holder was invited or appointed.

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

(3) A temporary visiting physician permit shall be valid for no longer than (i) 180 days from the date of issuance or (ii) until the time the medical, osteopathic, chiropractic, or clinical studies are completed, or the state or national medical, osteopathic, or chiropractic professional association or society conference or meeting has concluded, whichever occurs first. The temporary visiting physician permit may be issued multiple times to a visiting physician under this paragraph (3) as long as the total number of days it is active does not exceed 180 days within a 365-day period.

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

(5) A limited temporary visiting physician permit shall be issued to a physician licensed in another state who has been requested to perform emergency procedures in Illinois if the physician ~~he or she~~ meets the requirements as established by rule.

(C) Visiting resident permit.

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

(a) (blank);

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

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

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

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

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

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

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

(D) Postgraduate training exemption period; visiting rotations. A person may participate in visiting rotations in an approved postgraduate training program, not to exceed a total of 90 days for all rotations, if the following information is submitted in writing or electronically to the Department by the patient care clinics or facilities where the person will be performing the training or by an affiliated program:

(1) The person who has been invited or appointed to perform a portion of their postgraduate clinical training program in Illinois.

(2) The name and address of the primary patient care clinic or facility, the date the training is to begin, and the length of time of the invitation or appointment.

(3) The name and license number of the Illinois physician who will be responsible for supervising the trainee and the medical director or division director of the department or facility.

(4) Certification from the postgraduate training program that the person is approved and enrolled in a graduate training program approved by the Department in their home state.

(Source: P.A. 103-551, eff. 8-11-23; 104-417, eff. 8-15-25.)

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

(Section scheduled to be repealed on January 1, 2027)

Sec. 21. License renewal; reinstatement; inactive status; disposition and collection of fees.

(A) Renewal. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license by paying the required fee. The holder of a license may also renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

The Department shall attempt to provide through electronic means to each licensee under this Act, at least 60 days in advance of the expiration date of the ~~his or her~~ license, a renewal notice. No such license shall be deemed to have lapsed until 90 days after the expiration date and after the Department has attempted to provide such notice as herein provided.

(B) Reinstatement. Any licensee who has permitted the licensee's ~~his or her~~ license to lapse or who has had the licensee's ~~his or her~~ license on inactive status may have the licensee's ~~his or her~~ license reinstated by making application to the Department and filing proof acceptable to the Department of the licensee's ~~his or her~~ fitness to have the license reinstated, including evidence certifying to active practice in another jurisdiction satisfactory to the Department, proof of meeting the continuing education requirements for one renewal period, and by paying the required reinstatement fee.

If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, the Medical Board shall determine, by an evaluation program established by rule, the applicant's fitness to resume active status and may require the licensee to complete a period of evaluated clinical experience and may require successful completion of a practical examination specified by the Medical Board.

However, any registrant whose license has expired while the registrant ~~he or she~~ has been engaged (a) in Federal Service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, the Public Health Service or the State Militia called into the service or training of the United States of America, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have the registrant's ~~his or her~~ license reinstated without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, the registrant ~~he or she~~ furnishes to the Department with satisfactory evidence to the effect that the registrant ~~he or she~~ has been so engaged and that the registrant's ~~his or her~~ service, training, or education has been so terminated.

(C) Inactive licenses. Any licensee who notifies the Department, in writing on forms prescribed by the Department, may elect to place the licensee's ~~his or her~~ license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the licensee ~~he or she~~ notifies the Department in writing of his or her desire to resume active status.

Any licensee requesting reinstatement from inactive status shall be required to pay the current renewal fee, provide proof of meeting the continuing education requirements for the period of time the license is inactive not to exceed one renewal period, and shall be required to reinstate the licensee's ~~his or her~~ license as provided in subsection (B).

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(D) Disposition of monies collected. All monies collected under this Act by the Department shall be deposited into ~~in~~ the Illinois State Medical Disciplinary Fund in the State treasury ~~Treasury~~, and used only

for the following purposes: (a) by the Medical Board in the exercise of its powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the Medical Board, (b) for costs directly related to persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

All earnings received from investment of monies in the Illinois State Medical Disciplinary Fund shall be deposited into ~~in~~ the Illinois State Medical Disciplinary Fund and shall be used for the same purposes as fees deposited into ~~in~~ such Fund.

(E) Fees. The following fees are nonrefundable.

(1) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(2) Before July 1, 2018, the fee for a license under Section 9 of this Act is $700. Beginning on July 1, 2018, the fee for a license under Section 9 of this Act is $500.

(3) Before July 1, 2018, the fee for a license under Section 19 of this Act is $700. Beginning on July 1, 2018, the fee for a license under Section 19 of this Act is $500.

(4) Before July 1, 2018, the fee for the renewal of a license for a resident of Illinois shall be calculated at the rate of $230 per year, and beginning on July 1, 2018 and until January 1, 2020, the fee for the renewal of a license shall be $167, except for licensees who were issued a license within 12 months of the expiration date of the license, before July 1, 2018, the fee for the renewal shall be $230, and beginning on July 1, 2018 and until January 1, 2020 that fee will be $167. Before July 1, 2018, the fee for the renewal of a license for a nonresident shall be calculated at the rate of $460 per year, and beginning on July 1, 2018 and until January 1, 2020, the fee for the renewal of a license for a nonresident shall be $250, except for licensees who were issued a license within 12 months of the expiration date of the license, before July 1, 2018, the fee for the renewal shall be $460, and beginning on July 1, 2018 and until January 1, 2020 that fee will be $250. Beginning on January 1, 2020, the fee for renewal of a license for a resident or nonresident is $181 per year.

(5) The fee for the reinstatement of a license other than from inactive status, is $230. In addition, payment of all lapsed renewal fees not to exceed $1,400 is required.

(6) The fee for a 3-year temporary license under Section 17 is $230.

(7) The fee for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no updated license is issued.

(8) The fee to be paid for a license record for any purpose is $20.

(9) The fee to be paid to have the scoring of an examination, administered by the Department, reviewed and verified, is $20 plus any fees charged by the applicable testing service.

(F) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or permit or deny the application, without hearing. If, after termination or denial, the person seeks a license or permit, the person ~~he or she~~ shall apply to the Department for reinstatement or issuance of the license or permit and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for reinstatement of a license or permit to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 101-316, eff. 8-9-19; 101-603, eff. 1-1-20; 102-20, eff. 1-1-22.)

(225 ILCS 60/22)

(Section scheduled to be repealed on January 1, 2027)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regard to the license or permit of any person issued under this Act, including imposing fines not to exceed $10,000 for each violation, upon any of the following grounds:

(1) (Blank).

(2) (Blank).

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

(4) Gross negligence in practice under this Act.

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

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

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

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

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

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

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

(12) Adverse action taken by another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine, or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof. This includes any adverse action taken by a State or federal agency that prohibits a medical doctor, doctor of osteopathy, doctor of osteopathic medicine, or doctor of chiropractic from providing services to the agency's participants.

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

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

(15) A finding by the Medical Board that the registrant after having the registrant's ~~his or her~~ license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

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

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

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

(20) Immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct or sexual harassment related to the licensee's practice. For the purpose of this paragraph (20), "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or nonverbal conduct of a sexual nature.

(21) Willfully making or filing false records or reports in the person's ~~his or her~~ practice as a physician, including, but not limited to, false records to support claims against the medical assistance

program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Willful omission to file or record, or willfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or willfully failing to report an instance of suspected abuse or neglect as required by law.

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

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

(25) Gross, ~~and~~ willful, and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

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

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

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

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

(30) Willfully or negligently violating the confidentiality between physician and patient except as required by law.

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

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

(33) Violating State or federal laws or regulations relating to controlled substances, legend drugs, or ephedra as defined in the Ephedra Prohibition Act.

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

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

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

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

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

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

(40) (Blank).

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

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

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

(44) Violating the Compassionate Use of Medical Cannabis Program Act.

(45) Entering into an excessive number of written collaborative agreements with licensed prescribing psychologists resulting in an inability to adequately collaborate.

(46) Repeated failure to adequately collaborate with a licensed prescribing psychologist.

(47) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

(48) Being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(49) Entering into an excessive number of written collaborative agreements with licensed physician assistants resulting in an inability to adequately collaborate.

(50) Repeated failure to adequately collaborate with a physician assistant.

All proceedings to take disciplinary action as the Department may deem proper, with regard to a license, must be commenced within 5 years after the date of the Department's receipt of a complaint alleging the commission of or notice of a conviction order for any of the violations described herein. Ground number (26) is exempt from this 5-year limitation. No action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. Ground numbers (8), (9), (26), and (29) are exempt from this 10-year limitation. ~~Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred, or a report pursuant to Section 23 of this Act received, within the 10 year period preceding the filing of the complaint.~~ In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action, or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall be exempt from the 10-year limitation and shall have 5 years from receipt of the report ~~have an additional period of 2 years from the date of notification to the Department~~ under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume ~~his or her~~ practice only upon the entry of a Departmental order based upon a finding by the Medical Board that the person has been determined to be recovered from mental illness by the court and upon the Medical Board's recommendation that the person be permitted to resume ~~his or her~~ practice.

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

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

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

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

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

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

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

In enforcing this Section, the Medical Board, upon a showing of a possible violation, may compel any individual who is licensed to practice under this Act or holds a permit to practice under this Act, or any individual who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination and evaluation, or both, which may include a substance abuse or sexual offender evaluation, as required by the Medical Board and at the expense of the Department. The Medical Board shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation, or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing. The Medical Board or the Department may order the examining physician or any member of the multidisciplinary team to provide to the Department or the Medical Board any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Medical Board or the Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee, permit holder, or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee, permit holder, or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee, permit holder, or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination and evaluation, or both, when directed, shall result in an automatic suspension, without hearing, until such time as the individual submits to the examination. If the Medical Board finds a physician unable to practice following an examination and evaluation because of the reasons set forth in this Section, the Medical Board shall require such physician to submit to care, counseling, or treatment by physicians, or other health care professionals, approved or designated by the Medical Board, as a condition for issued, continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Section 9, 17, or 19 of this Act~~,~~ or, continued, reinstated, renewed, disciplined, or supervised, subject to such terms, conditions, or restrictions who shall fail to comply with such terms, conditions, or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have the licensee's ~~his or her~~ license suspended immediately, pending a hearing by the Medical Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Medical Board within 15 days after such suspension and completed without appreciable delay. The Medical Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Medical Board that the individual ~~he or she~~ can resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's ~~his or her~~ license.

The Medical Board, in determining mental capacity of an individual licensed under this Act, shall consider the latest recommendations of the Federation of State Medical Boards.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed $10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary

action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited into ~~in~~ the Illinois State Medical Disciplinary Fund.

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

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

(C) The Department shall not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act:

(1) based solely upon the recommendation of the person to an eligible patient regarding, or prescription for, or treatment with, an investigational drug, biological product, or device;

(2) for experimental treatment for Lyme disease or other tick-borne diseases, including, but not limited to, the prescription of or treatment with long-term antibiotics;

(3) based solely upon the person providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state; or

(4) based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely on the person violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the applicable standard of conduct for the person practicing in Illinois under this Act.

(D) (Blank).

(E) The conduct specified in subsection (C) shall not trigger reporting requirements under Section 23, constitute grounds for suspension under Section 25, or be included on the physician's profile required under Section 10 of the Patients' Right to Know Act.

(F) An applicant seeking licensure, certification, or authorization pursuant to this Act and who has been subject to disciplinary action by a duly authorized professional disciplinary agency of another jurisdiction solely on the basis of having provided, authorized, recommended, aided, assisted, referred for, or otherwise participated in health care shall not be denied such licensure, certification, or authorization, unless the Department determines that the action would have constituted professional misconduct in this State; however, nothing in this Section shall be construed as prohibiting the Department from evaluating the conduct of the applicant and making a determination regarding the licensure, certification, or authorization to practice a profession under this Act.

(G) The Department may adopt rules to implement, administer, and enforce this Section ~~Public Act 102-1117~~.

(Source: P.A. 103-442, eff. 1-1-24; 104-417, eff. 8-15-25; 104-432, eff. 1-1-26; revised 9-15-25.)

(225 ILCS 60/22.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 22.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in this Section 22.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with the licensee's ~~his or her~~ license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing medicine through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act;

(2) the entity is organized under the Medical Corporation Act, the Professional Services Corporation Act, the Professional Association Act, or the Professional Limited Liability Company Act;

(3) the entity is allowed by Illinois law to provide physician services or employ physicians such as a licensed hospital or hospital affiliate or licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians;

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c); or

(5) the entity is an Illinois not-for-profit ~~not for profit~~ corporation that is recognized as exempt from the payment of federal income taxes as an organization described in Section 501(c)(3) of the Internal Revenue Code and all of its members are full-time faculty members of a medical school that offers an ~~a~~ M.D. degree program that is accredited by the Liaison Committee on Medical Education and a program of graduate medical education that is accredited by the Accreditation Council for Graduate Medical Education.

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(i) the licensee or the licensee's practice under subsection (c) of this Section at all times controls the amount of fees charged and collected; and

(ii) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c), a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) A violation of any of the provisions of this Section constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Section. This subsection does not apply to hospitals and hospital affiliates licensed in Illinois.

(Source: P.A. 100-1058, eff. 1-1-19.)

(225 ILCS 60/23) (from Ch. 111, par. 4400-23)

(Section scheduled to be repealed on January 1, 2027)

Sec. 23. Reports relating to professional conduct and capacity.

(A) Entities required to report.

(1) Health care institutions. The chief administrator or executive officer of any health care institution licensed by the Illinois Department of Public Health shall report to the Medical Board when any person's clinical privileges are terminated or are restricted based on a final determination made in accordance with that institution's by-laws or rules and regulations that a person has either

committed an act or acts which may directly threaten patient care or that a person may have a mental or physical disability that may endanger patients under that person's care. Such officer also shall report if a person accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon conduct related directly to patient care or in lieu of formal action seeking to determine whether a person may have a mental or physical disability that may endanger patients under that person's care. The Medical Board shall, by rule, provide for the reporting to it by health care institutions of all instances in which a person, licensed under this Act, who is impaired by reason of age, drug or alcohol abuse, or physical or mental impairment, is under supervision and, where appropriate, is in a program of rehabilitation. Such reports shall be strictly confidential and may be reviewed and considered only by the members of the Medical Board, or by authorized staff as provided by rules of the Medical Board. Provisions shall be made for the periodic report of the status of any such person not less than twice annually in order that the Medical Board shall have current information upon which to determine the status of any such person. Such initial and periodic reports of impaired physicians shall not be considered records within the meaning of the State Records Act and shall be disposed of, following a determination by the Medical Board that such reports are no longer required, in a manner and at such time as the Medical Board shall determine by rule. The filing of such reports shall be construed as the filing of a report for purposes of subsection (C) of this Section. Such health care institution shall not take any adverse action, including, but not limited to, restricting or terminating any person's clinical privileges, as a result of an adverse action against a person's license, registration, permit, or clinical privileges or other disciplinary action by another state or health care institution that resulted from the person's provision of, authorization of, recommendation of, aiding or assistance with, referral for, or participation in any health care service if the adverse action was based solely on a violation of the other state's law prohibiting the provision of such health care and related services in the state or for a resident of the state if that health care service would not have been unlawful under the laws of this State and is consistent with the applicable standard of conduct for a person practicing in Illinois under this Act.

(1.5) Clinical training programs. The program director of any post-graduate clinical training program shall report to the Medical Board if a person engaged in a post-graduate clinical training program at the institution, including, but not limited to, a residency or fellowship, separates from the program for any reason prior to its conclusion. The program director shall provide all documentation relating to the separation if, after review of the report, the Medical Board determines that a review of those documents is necessary to determine whether a violation of this Act occurred.

(2) Professional associations. The President or chief executive officer of any association or society, of persons licensed under this Act, operating within this State shall report to the Medical Board when the association or society renders a final determination that a person has committed unprofessional conduct related directly to patient care or that a person may have a mental or physical disability that may endanger patients under that person's care.

(3) Professional liability insurers. Every insurance company which offers policies of professional liability insurance to persons licensed under this Act, or any other entity which seeks to indemnify the professional liability of a person licensed under this Act, shall report to the Medical Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action, which alleged negligence in the furnishing of medical care by such licensed person when such settlement or final judgment is in favor of the plaintiff. Such insurance company shall not take any adverse action, including, but not limited to, denial or revocation of coverage, or rate increases, against a person authorized to practice under this Act with respect to coverage for services provided in the State if based solely on the person providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in health care services in this State in violation of another state's law, or a revocation or other adverse action against the person's license, registration, or permit in another state for violation of such law if that health care service as provided would have been lawful and consistent with the applicable standard of conduct for a person practicing in Illinois under this Act. Notwithstanding this provision, it is against public policy to require coverage for an illegal action.

(4) State's Attorneys. The State's Attorney of each county shall report to the Medical Board, within 5 days, any instances in which a person licensed under this Act is convicted of any felony or Class A misdemeanor.

(5) State agencies. All agencies, boards, commissions, departments, or other instrumentalities of the government of the State of Illinois shall report to the Medical Board any instance arising in connection with the operations of such agency, including the administration of any law by such agency, in which a person licensed under this Act has either committed an act or acts which may be a violation of this Act or which may constitute unprofessional conduct related directly to patient care or which indicates that a person licensed under this Act may have a mental or physical disability that may endanger patients under that person's care.

(B) Mandatory reporting. All reports required by items (34), (35), and (36) of subsection (A) of Section 22 and by this Section 23 shall be submitted to the Medical Board in a timely fashion. Unless otherwise provided in this Section, the reports shall be filed in writing within 60 days after a determination that a report is required under this Act. All reports shall contain the following information:

(1) The name, address, and telephone number of the person making the report.

(2) The name, address, and telephone number of the person who is the subject of the report.

(3) The name and date of birth of any patient or patients whose treatment is a subject of the report, if available, or other means of identification if such information is not available, identification of the hospital or other health care facility where the care at issue in the report was rendered, provided, however, no medical records may be revealed.

(4) A brief description of the facts which gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and date of filing of the action.

(6) Any further pertinent information which the reporting party deems to be an aid in the evaluation of the report.

The Medical Board or Department may also exercise the power under Section 38 of this Act to subpoena copies of hospital or medical records in mandatory report cases alleging death or permanent bodily injury. Appropriate rules shall be adopted by the Department with the approval of the Medical Board.

When the Department has received written reports concerning incidents required to be reported in items (34), (35), and (36) of subsection (A) of Section 22, the licensee's failure to report the incident to the Department under those items shall not be the sole grounds for disciplinary action.

Nothing contained in this Section shall act to, in any way, waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Medical Board, the Medical Coordinators, the Medical Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or to a health care licensing body or medical licensing authority of this State or another state or jurisdiction pursuant to an official request made by that licensing body or medical licensing authority. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense, or, in the case of disclosure to a health care licensing body or medical licensing authority, only for investigations and disciplinary action proceedings with regard to a license. Information and documents disclosed to the Department of Public Health may be used by that Department only for investigation and disciplinary action regarding the license of a health care institution licensed by the Department of Public Health.

(C) Immunity from prosecution. Any individual or organization acting in good faith, and not in a willful ~~wilful~~ and wanton manner, in complying with this Act by providing any report or other information to the Medical Board or a peer review committee, or assisting in the investigation or preparation of such information, or by voluntarily reporting to the Medical Board or a peer review committee information regarding alleged errors or negligence by a person licensed under this Act, or by participating in proceedings of the Medical Board or a peer review committee, or by serving as a member of the Medical Board or a peer review committee, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(D) Indemnification. Members of the Medical Board, the Medical Coordinators, the Medical Board's attorneys, the medical investigative staff, physicians retained under contract to assist and advise the medical coordinators in the investigation, and authorized clerical staff shall be indemnified by the State for any actions occurring within the scope of services on the Medical Board, done in good faith and not willful ~~wilful~~ and wanton in nature. The Attorney General shall defend all such actions unless the Attorney General

~~he or she~~ determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were willful ~~wilful~~ and wanton.

Should the Attorney General decline representation, the member shall have the right to employ counsel of the member's ~~his or her~~ choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were willful ~~wilful~~ and wanton.

The member must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Medical Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine within 7 days after receiving such notice, whether the Attorney General ~~he or she~~ will undertake to represent the member.

(E) Deliberations of Medical Board. Upon the receipt of any report called for by this Act, other than those reports of impaired persons licensed under this Act required pursuant to the rules of the Medical Board, the Medical Board shall notify in writing, by mail or email, the person who is the subject of the report. Such notification shall be made within 30 days of receipt by the Medical Board of the report.

The notification shall include a written notice setting forth the person's right to examine the report. Included in such notification shall be the address at which the file is maintained, the name of the custodian of the reports, and the telephone number at which the custodian may be reached. The person who is the subject of the report shall submit a written statement responding, clarifying, adding to, or proposing the amending of the report previously filed. The person who is the subject of the report shall also submit with the written statement any medical records related to the report. The statement and accompanying medical records shall become a permanent part of the file and must be received by the Medical Board no more than 30 days after the date on which the person was notified by the Medical Board of the existence of the original report.

The Medical Board shall review all reports received by it, together with any supporting information and responding statements submitted by persons who are the subject of reports. The review by the Medical Board shall be in a timely manner but in no event, shall the Medical Board's initial review of the material contained in each disciplinary file be less than 61 days nor more than 180 days after the receipt of the initial report by the Medical Board.

When the Medical Board makes its initial review of the materials contained within its disciplinary files, the Medical Board shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make such determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action.

Should the Medical Board find that there are not sufficient facts to warrant further investigation or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported to the Secretary. The Secretary shall then have 30 days to accept the Medical Board's decision or request further investigation. The Secretary shall inform the Medical Board of the decision to request further investigation, including the specific reasons for the decision. The individual or entity filing the original report or complaint and the person who is the subject of the report or complaint shall be notified in writing by the Secretary of any final action on their report or complaint. The Department shall disclose to the individual or entity who filed the original report or complaint, on request, the status of the Medical Board's review of a specific report or complaint. Such request may be made at any time, including prior to the Medical Board's determination as to whether there are sufficient facts to warrant further investigation or action.

(F) Summary reports. The Medical Board shall prepare, on a timely basis, but in no event less than once every other month, a summary report of final disciplinary actions taken upon disciplinary files maintained by the Medical Board. The summary reports shall be made available to the public upon request and payment of the fees set by the Department. This publication may be made available to the public on the Department's website. Information or documentation relating to any disciplinary file that is closed without disciplinary action taken shall not be disclosed and shall be afforded the same status as is provided by Part 21 of Article VIII of the Code of Civil Procedure.

(G) Any violation of this Section shall be a Class A misdemeanor.

(H) If any such person violates the provisions of this Section an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining such violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in such court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin such violation, and if it is established that such person has violated or is

violating the injunction, the court may punish the offender for contempt of court. Proceedings under this paragraph shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(I) The Department may adopt rules to implement, administer, and enforce this Section.

(Source: P.A. 104-432, eff. 1-1-26.)

(225 ILCS 60/26) (from Ch. 111, par. 4400-26)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26. Advertising.

(1) Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered. Such advertising shall be limited to the following information:

(a) Publication of the person's name, title, office hours, address and telephone number;

(b) Information pertaining to the person's areas of specialization, including appropriate board certification or limitation of professional practice;

(c) Information on usual and customary fees for routine professional services offered, which information shall include, notification that fees may be adjusted due to complications or unforeseen circumstances;

(d) Announcement of the opening of, change of, absence from, or return to business;

(e) Announcement of additions to or deletions from professional licensed staff;

(f) The issuance of business or appointment cards.

(2) It is unlawful for any person licensed under this Act to use claims of superior quality of care to entice the public. It shall be unlawful to advertise fee comparisons of available services with those of other persons licensed under this Act.

(3) This Act does not authorize the advertising of professional services which the offeror of such services is not licensed to render. Nor shall the advertiser use statements which contain false, fraudulent, deceptive or misleading material or guarantees of success, statements which play upon the vanity or fears of the public, or statements which promote or produce unfair competition.

(4) A licensee shall include in every advertisement for services regulated under this Act the licensee's ~~his or her~~ title as it appears on the license or the initials authorized under this Act.

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

(225 ILCS 60/36) (from Ch. 111, par. 4400-36)

(Section scheduled to be repealed on January 1, 2027)

Sec. 36. Investigation; notice.

(a) Upon the motion of either the Department or the Medical Board or upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for suspension or revocation under Section 22 of this Act, the Department shall investigate the actions of any person, so accused, who holds or represents that the person ~~he or she~~ holds a license. Such person is hereinafter called the accused.

(b) The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Medical Board, direct the accused ~~him or her~~ to file the accused's ~~his or her~~ written answer thereto to the Medical Board under oath within 20 days after the service on the accused ~~him or her~~ of such notice and inform the accused ~~him or her~~ that if the accused ~~he or she~~ fails to file such answer default will be taken against the accused ~~him or her~~ and the accused's ~~his or her~~ license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of the accused's ~~his or her~~ practice, as the Department may deem proper taken with regard thereto. The Department shall, at least 14 days prior to the date set for the hearing, notify in writing any person who filed a complaint against the accused of the time and place for the hearing of the charges against the accused before the Medical Board and inform such person whether the accused ~~he or she~~ may provide testimony at the hearing.

(c) (Blank).

(d) Such written notice and any notice in such proceedings thereafter may be served by personal delivery, email to the respondent's email address of record, or mail to the respondent's address of record.

(e) All information gathered by the Department during its investigation including information subpoenaed under Section 23 or 38 of this Act and the investigative file shall be kept for the confidential use

of the Secretary, the Medical Board, the Medical Coordinators, persons employed by contract to advise the Medical Coordinator or the Department, the Medical Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation to a health care licensing body of this State or another state or jurisdiction pursuant to an official request made by that licensing body. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense or, in the case of disclosure to a health care licensing body, only for investigations and disciplinary action proceedings with regard to a license issued by that licensing body.

(Source: P.A. 101-13, eff. 6-12-19; 101-316, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff. 8-20-21.)

(225 ILCS 60/37) (from Ch. 111, par. 4400-37)

(Section scheduled to be repealed on January 1, 2027)

Sec. 37. Disciplinary actions.

(a) At the time and place fixed in the notice, the Medical Board provided for in this Act shall proceed to hear the charges, and the accused person shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Medical Board may continue such hearing from time to time. If the Medical Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing has been continued, the Department shall continue such hearing for a period not to exceed 30 days.

(b) In case the accused person, after receiving notice, fails to file an answer, their license may, in the discretion of the Secretary, having received first the recommendation of the Medical Board, be suspended, revoked or placed on probationary status, or the Secretary may take whatever disciplinary action as the Secretary ~~he or she~~ may deem proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(c) The Medical Board has the authority to recommend to the Secretary that probation be granted or that other disciplinary or non-disciplinary action, including the limitation of the scope, nature or extent of a person's practice, be taken as it deems proper. If disciplinary or non-disciplinary action, other than suspension or revocation, is taken the Medical Board may recommend that the Secretary impose reasonable limitations and requirements upon the accused registrant to ensure compliance with the terms of the probation or other disciplinary action, including, but not limited to, regular reporting by the accused to the Department of their actions, placing themselves under the care of a qualified physician for treatment, or limiting their practice in such manner as the Secretary may require.

(d) The Secretary, after consultation with the Chief Medical Coordinator or Deputy Medical Coordinator, may temporarily suspend the license of a physician without a hearing, simultaneously with the institution of proceedings for a hearing provided under this Section if the Secretary possesses evidence that ~~finds that evidence in his or her possession~~ indicates that a physician's continuation in practice would constitute an immediate danger to the public. In the event that the Secretary suspends, temporarily, the license of a physician without a hearing, a hearing by the Medical Board shall be held within 15 days after such suspension has occurred and shall be concluded without appreciable delay.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 60/38) (from Ch. 111, par. 4400-38)

(Section scheduled to be repealed on January 1, 2027)

Sec. 38. Subpoena; oaths.

(a) The Medical Board or Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed by law for judicial procedure in civil cases.

(b) The Medical Board or Department, upon a determination that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 has occurred or is occurring, may subpoena the medical and hospital records of individual patients of physicians licensed under this Act, provided, that prior to the submission of such records to the Medical Board, all information indicating the identity of the patient shall be removed and deleted. Notwithstanding the foregoing, the Medical Board and Department shall possess the power to subpoena copies of hospital or medical records in mandatory report cases under Section 23 alleging death or permanent bodily injury when consent to obtain records is not provided by a

patient or legal representative. Prior to submission of the records to the Medical Board, all information indicating the identity of the patient shall be removed and deleted. All medical records and other information received pursuant to subpoena shall be confidential and shall be afforded the same status as is proved information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure. The use of such records shall be restricted to members of the Medical Board, the medical coordinators, and appropriate staff of the Department designated by the Medical Board for the purpose of determining the existence of one or more grounds for discipline of the physician as provided for by Section 22 of this Act. Any such review of individual patients' records shall be conducted by the Medical Board in strict confidentiality, provided that such patient records shall be admissible in a disciplinary hearing, before the Medical Board, when necessary to substantiate the grounds for discipline alleged against the physician licensed under this Act, and provided further, that nothing herein shall be deemed to supersede the provisions of Part 21 of Article VIII of the Code of Civil Procedure, to the extent applicable.

(c) The Secretary, hearing officer, and any member of the Medical Board each have power to administer oaths at any hearing which the Medical Board or Department is authorized by law to conduct.

(d) Upon ~~The Medical Board, upon~~ a determination that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 has occurred or is occurring on the business premises of a physician licensed under this Act, ~~may issue an order authorizing~~ an appropriately qualified investigator employed by the Department may ~~to~~ enter upon the business premises with due consideration for patient care of the subject of the investigation so as to inspect the physical premises and equipment and furnishings therein. The right to inspection ~~No such order~~ shall not include the right of inspection of business, medical, or personnel records located on the premises without a subpoena issued in accordance with this Section or Section 2105-105 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. For purposes of this Section, "business premises" is defined as the office or offices where the physician conducts the practice of medicine. ~~Any such order shall expire and become void five business days after its issuance by the Medical Board.~~ The execution of any such inspection ~~order~~ shall be valid only during the normal business hours of the facility or office to be inspected.

(Source: P.A. 101-316, eff. 8-9-19; 102-20, eff. 1-1-22.)

(225 ILCS 60/40) (from Ch. 111, par. 4400-40)

(Section scheduled to be repealed on January 1, 2027)

Sec. 40. Findings and recommendations; rehearing.

(a) The Medical Board shall present to the Secretary a written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by mail or email. Within 20 days after such service, the accused person may present to the Department the accused person's ~~his or her~~ motion, in writing, for a rehearing, which written motion shall specify the particular ground therefor. If the accused person orders and pays for a transcript of the record as provided in Section 39, the time elapsing thereafter and before such transcript is ready for delivery to them shall not be counted as part of such 20 days.

(b) At the expiration of the time allowed for filing a motion for rehearing, the Secretary may take the action recommended by the Medical Board. Upon the suspension, revocation, placement on probationary status, or the taking of any other disciplinary action, including the limiting of the scope, nature, or extent of one's practice, deemed proper by the Department, with regard to the license or permit, the accused shall surrender the accused's ~~his or her~~ license or permit to the Department, if ordered to do so by the Department, and upon the accused's ~~his or her~~ failure or refusal so to do, the Department may seize the same.

(c) Each order of revocation, suspension, or other disciplinary action shall contain a brief, concise statement of the ground or grounds upon which the Department's action is based, as well as the specific terms and conditions of such action. This document shall be retained as a permanent record by the Department.

(d) (Blank).

(e) In those instances where an order of revocation, suspension, or other disciplinary action has been rendered by virtue of a physician's physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice medicine with reasonable judgment, skill, or safety, the Department shall only permit this document, and the record of the hearing incident thereto, to be observed, inspected, viewed, or copied pursuant to court order.

(Source: P.A. 101-316, eff. 8-9-19; 102-20, eff. 1-1-22.)

(225 ILCS 60/44) (from Ch. 111, par. 4400-44)

(Section scheduled to be repealed on January 1, 2027)

Sec. 44. None of the disciplinary functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Medical Board.

In all instances, under this Act, in which the Medical Board has rendered a recommendation to the Secretary with respect to a particular physician, the Secretary may take action contrary to the recommendation of the Medical Board. In the event that the Secretary disagrees with or takes action contrary to the recommendation of the Medical Board, the Secretary may file with the Medical Board the Secretary's ~~his or her~~ specific written reasons of disagreement with the Medical Board. Such reasons shall be filed within 30 days of the occurrence of the Secretary's contrary position having been taken.

The action and report in writing of a majority of the Medical Board designated is sufficient authority upon which the Secretary may act.

Whenever the Secretary is satisfied that substantial justice has not been done in a formal disciplinary action, or refusal to restore a license, the Secretary ~~he or she~~ may order a rehearing.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 60/49) (from Ch. 111, par. 4400-49)

(Section scheduled to be repealed on January 1, 2027)

Sec. 49. If any person does any of the following and does not possess a valid license issued under this Act, that person shall be sentenced as provided in Section 59: (i) holds himself or herself out to the public as being engaged in the diagnosis or treatment of physical or mental ailments or conditions including, but not limited to, deformities, diseases, disorders, or injuries of human beings; (ii) suggests, recommends or prescribes any form of treatment for the palliation, relief or cure of any physical or mental ailment or condition of any person with the intention of receiving, either directly or indirectly, any fee, gift, or compensation whatever; (iii) diagnoses or attempts to diagnose, operates upon, professes to heal, prescribes for, or otherwise treats any ailment or condition, or supposed ailment or condition, of another; (iv) maintains an office for examination or treatment of persons afflicted, or alleged or supposed to be afflicted, by any ailment or condition; (v) manipulates or adjusts osseous or articular structures; or (vi) attaches the title Doctor, Physician, Surgeon, M.D., D.O. or D.C. or any other word or abbreviation to the person's ~~his or her~~ name indicating that the person ~~he or she~~ is engaged in the treatment of human ailments or conditions as a business.

Whenever the Department has reason to believe that any person has violated this Section the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

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

(225 ILCS 60/54) (from Ch. 111, par. 4400-54)

(Section scheduled to be repealed on January 1, 2027)

Sec. 54. A person who holds himself or herself out to treat human ailments under a name other than the person's ~~his or her~~ own, or by personation of any physician, shall be punished as provided in Section 59.

However, nothing in this Act shall be construed as prohibiting partnerships, limited liability companies, associations, or corporations in accordance with subsection (c) of Section 22.2 of this Act.

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

(225 ILCS 60/54.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 54.2. Physician delegation of authority.

(a) Nothing in this Act shall be construed to limit the delegation of patient care tasks or duties by a physician, to a licensed practical nurse, a registered professional nurse, or other licensed person practicing within the scope of the licensed person's ~~his or her~~ individual licensing Act. Delegation by a physician licensed to practice medicine in all its branches to physician assistants or advanced practice registered nurses is also addressed in Section 54.5 of this Act. No physician may delegate any patient care task or duty that is statutorily or by rule mandated to be performed by a physician.

(b) In an office or practice setting and within a physician-patient relationship, a physician may delegate patient care tasks or duties to an unlicensed person who possesses appropriate training and experience provided a health care professional, who is practicing within the scope of such licensed professional's individual licensing Act, is on site to provide assistance.

(c) Any such patient care task or duty delegated to a licensed or unlicensed person must be within the scope of practice, education, training, or experience of the delegating physician and within the context of a physician-patient relationship.

(d) Nothing in this Section shall be construed to affect referrals for professional services required by law.

(e) The Department shall have the authority to adopt rules concerning a physician's delegation, including, but not limited to, the use of light emitting devices for patient care or treatment. An on-site physician examination prior to the performance of a non-ablative laser procedure shall not be required when:

(1) the laser hair removal facility follows a physician delegation protocol, which shall be made available to the Department upon request;

(2) the examination is performed by an advanced practice registered nurse;

(3) the procedure is delegated by a physician and performed by a registered nurse or licensed practical nurse who has received appropriate, documented training and education in the safe and effective use of each system; and

(4) a physician is available by telephone or other electronic means to respond promptly to any questions or complications that may occur.

Nothing in this Section shall be construed to limit a licensed advanced practice registered nurse with full practice authority from practicing according to the Nurse Practice Act.

(f) Nothing in this Act shall be construed to limit the method of delegation that may be authorized by any means, including, but not limited to, oral, written, electronic, standing orders, protocols, guidelines, or verbal orders.

(g) (Blank). ~~A physician licensed to practice medicine in all of its branches under this Act may delegate any and all authority prescribed to him or her by law to international medical graduate physicians, so long as the tasks or duties are within the scope of practice, education, training, or experience of the delegating physician who is on site to provide assistance. An international medical graduate working in Illinois pursuant to this subsection is subject to all statutory and regulatory requirements of this Act, as applicable, relating to the standards of care. An international medical graduate physician is limited to providing treatment under the supervision of a physician licensed to practice medicine in all of its branches. The supervising physician or employer must keep record of and make available upon request by the Department the following: (1) evidence of education certified by the Educational Commission for Foreign Medical Graduates; (2) evidence of passage of Step 1, Step 2 Clinical Knowledge, and Step 3 of the United States Medical Licensing Examination as required by this Act; and (3) evidence of an unencumbered license from another country. This subsection does not apply to any international medical graduate whose license as a physician is revoked, suspended, or otherwise encumbered. This subsection is inoperative upon the adoption of rules implementing Section 15.5.~~

(Source: P.A. 103-1, eff. 4-27-23; 103-102, eff. 6-16-23; 103-814, eff. 1-1-25.)

(225 ILCS 60/54.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 54.5. Physician delegation of authority to physician assistants, advanced practice registered nurses without full practice authority, and prescribing psychologists.

(a) Physicians licensed to practice medicine in all its branches may delegate care and treatment responsibilities to a physician assistant under guidelines in accordance with the requirements of the Physician Assistant Practice Act of 1987. A physician licensed to practice medicine in all its branches may enter into collaborative agreements with no more than 7 full-time equivalent physician assistants, except in a hospital, hospital affiliate, or ambulatory surgical treatment center as set forth by Section 7.7 of the Physician Assistant Practice Act of 1987 and as provided in subsection (a-5).

(a-5) A physician licensed to practice medicine in all its branches may collaborate with more than 7 physician assistants when the services are provided in a federal primary care health professional shortage area with a Health Professional Shortage Area score greater than or equal to 12, as determined by the United States Department of Health and Human Services.

The collaborating physician must keep appropriate documentation of meeting this exemption and make it available to the Department upon request.

(b) A physician licensed to practice medicine in all its branches in active clinical practice may collaborate with an advanced practice registered nurse in accordance with the requirements of the Nurse Practice Act. Collaboration is for the purpose of providing medical consultation, and no employment

relationship is required. A written collaborative agreement shall conform to the requirements of Section 65-35 of the Nurse Practice Act. The written collaborative agreement shall be for services for which the collaborating physician can provide adequate collaboration. A written collaborative agreement shall be adequate with respect to collaboration with advanced practice registered nurses if all of the following apply:

(1) The agreement is written to promote the exercise of professional judgment by the advanced practice registered nurse commensurate with the advanced practice registered nurse's ~~his or her~~ education and experience.

(2) The advanced practice registered nurse provides services based upon a written collaborative agreement with the collaborating physician, except as set forth in subsection (b-5) of this Section. With respect to labor and delivery, the collaborating physician must provide delivery services in order to participate with a certified nurse midwife.

(3) Methods of communication are available with the collaborating physician in person or through telecommunications for consultation, collaboration, and referral as needed to address patient care needs.

(b-5) An anesthesiologist or physician licensed to practice medicine in all its branches may collaborate with a certified registered nurse anesthetist in accordance with Section 65-35 of the Nurse Practice Act for the provision of anesthesia services. With respect to the provision of anesthesia services, the collaborating anesthesiologist or physician shall have training and experience in the delivery of anesthesia services consistent with Department rules. Collaboration shall be adequate if:

(1) an anesthesiologist or a physician participates in the joint formulation and joint approval of orders or guidelines and periodically reviews such orders and the services provided patients under such orders; and

(2) for anesthesia services, the anesthesiologist or physician participates through discussion of and agreement with the anesthesia plan and is physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. Anesthesia services in a hospital shall be conducted in accordance with Section 10.7 of the Hospital Licensing Act and in an ambulatory surgical treatment center in accordance with Section 6.5 of the Ambulatory Surgical Treatment Center Act.

(b-10) The anesthesiologist or operating physician must agree with the anesthesia plan prior to the delivery of services.

(c) The collaborating physician shall have access to the medical records of all patients attended by a physician assistant. The collaborating physician shall have access to the medical records of all patients attended to by an advanced practice registered nurse.

(d) (Blank).

(e) A physician shall not be liable for the acts or omissions of a prescribing psychologist, physician assistant, or advanced practice registered nurse solely on the basis of having signed a supervision agreement or guidelines or a collaborative agreement, an order, a standing medical order, a standing delegation order, or other order or guideline authorizing a prescribing psychologist, physician assistant, or advanced practice registered nurse to perform acts, unless the physician has reason to believe the prescribing psychologist, physician assistant, or advanced practice registered nurse lacked the competency to perform the act or acts or commits willful and wanton misconduct.

(f) A collaborating physician may, but is not required to, delegate prescriptive authority to an advanced practice registered nurse as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 65-40 of the Nurse Practice Act.

(g) A collaborating physician may, but is not required to, delegate prescriptive authority to a physician assistant as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 7.5 of the Physician Assistant Practice Act of 1987.

(h) (Blank).

(i) A collaborating physician shall delegate prescriptive authority to a prescribing psychologist as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 4.3 of the Clinical Psychologist Licensing Act.

(j) As set forth in Section 22.2 of this Act, a licensee under this Act may not directly or indirectly divide, share, or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in Section 22.2.

(Source: P.A. 103-228, eff. 1-1-24.)

(225 ILCS 60/58) (from Ch. 111, par. 4400-58)

(Section scheduled to be repealed on January 1, 2027)

Sec. 58. Any person who shall willfully ~~wilfully~~ swear or affirm falsely, or make or file any affidavit willfully ~~wilfully~~ and corruptly, in filing or prosecuting their application for a license before the Department, or in submitting any complaint, evidence or testimony to the Department under the provisions of this Act, or under any rule or regulation of the Department, shall be sentenced therefor as the law shall prescribe at the time for perjury.

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

(225 ILCS 60/66)

Sec. 66. Temporary permit for health care.

(a) The Department may issue a temporary permit to an applicant who is licensed to practice as a physician in another state. The temporary permit will authorize the practice of providing health care to patients in this State if all of the following apply:

(1) The Department determines that the applicant's services will improve the welfare of Illinois residents and non-residents requiring health care services.

(2) The applicant has graduated from a medical program officially recognized by the jurisdiction in which it is located for the purpose of receiving a license to practice medicine in all of its branches, and maintains an equivalent authorization to practice medicine in good standing in the applicant's current state or territory of licensure; and the applicant can furnish the Department with a certified letter upon request from that jurisdiction attesting to the fact that the applicant has no pending action or violations against the applicant's license.

The Department will not consider a physician's license being revoked or otherwise disciplined by any state or territory based solely on the physician providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service that is unlawful or prohibited in that state or territory, if the provision of, authorization of, or participation in that health care, medical service, or procedure related to any health care service is not unlawful or prohibited in this State.

(3) The applicant has sufficient training and possesses the appropriate core competencies to provide health care services, and is physically, mentally, and professionally capable of practicing medicine with reasonable judgment, skill, and safety and in accordance with applicable standards of care.

(4) The applicant will be working pursuant to an agreement with a sponsoring licensed hospital, medical office, clinic, or other medical facility providing abortion or other health care services. Such agreement shall be executed by an authorized representative of the licensed hospital, medical office, clinic, or other medical facility, certifying that the physician holds an active license and is in good standing in the state in which they are licensed. If an applicant for a temporary permit has been previously disciplined by another jurisdiction, except as described in paragraph (2) of subsection (a), further review may be conducted pursuant to the Civil Administrative Code of Illinois and this Act. The application shall include the physician's name, contact information, state of licensure, and license number.

(5) Payment of a $75 fee.

The sponsoring licensed hospital, medical office, clinic, or other medical facility engaged in the agreement with the applicant shall notify the Department should the applicant at any point leave or become separate from the sponsor.

The Department may adopt rules pursuant to this Section.

(b) A temporary permit under this Section shall expire 2 years after the date of issuance. The temporary permit may be renewed for a $45 fee for an additional 2 years. A holder of a temporary permit may only renew one time.

(c) The temporary permit shall only permit the holder to practice medicine within the scope of providing health care services at the location or locations specified on the permit.

(d) An application for the temporary permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by a nonrefundable ~~non-refundable~~ fee of $75. The Department shall grant or deny an applicant a temporary permit within 60 days of receipt of a completed application. The Department shall notify the applicant of any deficiencies in the applicant's application materials requiring corrections in a timely manner.

(e) An applicant for temporary permit may be requested to appear before the Board to respond to questions concerning the applicant's qualifications to receive the permit. An applicant's refusal to appear before the Illinois State Medical Board may be grounds for denial of the application by the Department.

(f) The Secretary may summarily cancel any temporary permit issued pursuant to this Section, without a hearing, if the Secretary finds ~~that~~ evidence that ~~in his or her possession~~ indicates that a permit holder's continuation in practice would constitute an imminent danger to the public or violate any provision of this Act or its rules. If the Secretary summarily cancels a temporary permit issued pursuant to this Section or Act, the permit holder may petition the Department for a hearing in accordance with the provisions of Section 43 of this Act to restore the permit holder's ~~his or her~~ permit, unless the permit holder has exceeded the ~~his or her~~ renewal limit.

(g) In addition to terminating any temporary permit issued pursuant to this Section or Act, the Department may issue a monetary penalty not to exceed $10,000 upon the temporary permit holder and may notify any state in which the temporary permit holder has been issued a permit that the permit holder's ~~his or her~~ Illinois permit has been terminated and the reasons for the termination. The monetary penalty shall be paid within 60 days after the effective date of the order imposing the penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. It is the intent of the General Assembly that a permit issued pursuant to this Section shall be considered a privilege and not a property right.

(h) While working in Illinois, all temporary permit holders are subject to all statutory and regulatory requirements of this Act in the same manner as a licensee. Failure to adhere to all statutory and regulatory requirements may result in revocation or other discipline of the temporary permit.

(i) If the Department becomes aware of a violation occurring at the licensed hospital, medical office, clinic, or other medical facility or via telehealth practice, the Department shall notify the Department of Public Health.

(j) The Department may adopt emergency rules pursuant to this Section. The General Assembly finds that the adoption of rules to implement a temporary permit for health care services is deemed an emergency and necessary for the public interest, safety, and welfare.

(Source: P.A. 102-1117, eff. 1-13-23.)

(225 ILCS 60/70 new)

Sec. 70. Record retention. A physician shall retain all medical records of adult patients not appropriately transferred to another physician or entity for at least 6 years after the last date of service for each patient, except as otherwise required by law. A physician shall retain all medical records of minor patients not appropriately transferred to another physician or entity for at least 6 years after the last date of service for each patient or until the patient reaches the age of 21, whichever date is longer, except as otherwise required by law.

Section 27. The Licensed Certified Professional Midwife Practice Act is amended by adding Section 21 as follows:

(225 ILCS 64/21 new)

Sec. 21. Unlicensed practice.

(a) As used in this Section, "midwifery services" does not include the services provided by an advanced practice registered nurse certified as a nurse midwife under the Nurse Practice Act.

(b) No person may provide, offer to provide, or attempt to practice midwifery or hold oneself out as a licensed certified professional midwife, a licensed midwife, a certified professional midwife, or as a qualified provider of midwifery services unless the person is licensed in accordance with this Act.

Section 30. The Illinois Optometric Practice Act of 1987 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 9.5, 10, 11, 12, 13, 16, 17, 18, 20, 22, 24, 24.2, 25, 26.1, 26.2, 26.7, 26.13, and 26.14 as follows:

(225 ILCS 80/3) (from Ch. 111, par. 3903)

(Section scheduled to be repealed on January 1, 2027)

Sec. 3. Practice of optometry defined; referrals; manufacture of lenses and prisms.

(a) The practice of optometry is defined as the employment of any and all means for the examination, diagnosis, and treatment of the human visual system, the human eye, and its appendages without the use of surgery or the use of lasers for surgical purposes, including, but not limited to: the appropriate use of ocular pharmaceutical agents; refraction and other determinants of visual function; prescribing corrective lenses or prisms; prescribing, dispensing, or management of contact lenses; vision therapy; visual rehabilitation; or

any other procedures taught in schools and colleges of optometry approved by the Department, and not specifically restricted in this Act, subject to demonstrated competency and training as required by the Board, and pursuant to rule or regulation approved by the Board and adopted by the Department.

A person shall be deemed to be practicing optometry within the meaning of this Act who:

(1) In any way presents the person ~~himself or herself~~ to be qualified to practice optometry.

(2) Performs refractions or employs any other determinants of visual function.

(3) Employs any means for the adaptation of lenses or prisms.

(4) Prescribes corrective lenses, prisms, vision therapy, visual rehabilitation, or ocular pharmaceutical agents.

(5) Prescribes or manages contact lenses for refractive, cosmetic, or therapeutic purposes.

(6) Evaluates the need for, or prescribes, low vision aids to partially sighted persons.

(7) Diagnoses or treats any ocular abnormality, disease, or visual or muscular anomaly of the human eye or visual system.

(8) Practices, or offers or attempts to practice, optometry as defined in this Act either on the person's ~~his or her~~ own behalf or as an employee of a person, firm, or corporation, whether under the supervision of the person's ~~his or her~~ employer or not.

Nothing in this Section shall be interpreted (A) to prevent a person from functioning as an assistant under the direct supervision of a person licensed by the State of Illinois to practice optometry or medicine in all of its branches or (B) to prohibit visual screening programs that are conducted without a fee (other than voluntary donations), by charitable organizations acting in the public welfare under the supervision of a committee composed of persons licensed by the State of Illinois to practice optometry or persons licensed by the State of Illinois to practice medicine in all of its branches.

(b) When, in the course of providing optometric services to any person, an optometrist licensed under this Act finds an indication of a disease or condition of the eye which in the optometrist's ~~his or her~~ professional judgment requires professional service outside the scope of practice as defined in this Act, the optometrist ~~he or she~~ shall refer such person to a physician licensed to practice medicine in all of its branches, or other appropriate health care practitioner. Nothing in this Act shall preclude an optometrist from rendering appropriate nonsurgical emergency care.

(c) Nothing contained in this Section shall prohibit a person from manufacturing ophthalmic lenses and prisms or the fabrication of contact lenses according to the specifications prescribed by an optometrist or a physician licensed to practice medicine in all of its branches, but shall specifically prohibit (1) the sale or delivery of ophthalmic lenses, prisms, and contact lenses without a prescription signed by an optometrist or a physician licensed to practice medicine in all of its branches and (2) the dispensing of contact lenses by anyone other than a licensed optometrist, licensed pharmacist, or a physician licensed to practice medicine in all of its branches. For the purposes of this Act, "contact lenses" include, but are not limited to, contact lenses with prescriptive power and decorative and plano power contact lenses. Nothing in this Section shall prohibit the sale of contact lenses by an optical firm or corporation primarily engaged in manufacturing or dealing in eyeglasses or contact lenses with an affiliated optometrist who practices and is licensed or has an ancillary registration for the location where the sale occurs.

(d) Nothing in this Act shall restrict the filling of a prescription by a pharmacist licensed under the Pharmacy Practice Act.

(e) Nothing in this Act shall be construed to restrict the dispensing and sale by an optometrist of ocular devices, such as contact lenses, that contain and deliver ocular pharmaceutical agents permitted for use or prescription under this Act.

(f) (Blank). ~~On and after January 1, 2018, nothing in this Act shall prohibit an optometrist who is certified by a school of optometry approved by the Department from performing advanced optometric procedures, pursuant to educational requirements established by rule, that are consistent with the recommendations of the Collaborative Optometric/Ophthalmological Task Force created in Section 15.3 of this Act and that are taught (1) at an accredited, private 4 year school of optometry that is located in a city in Illinois with a population in excess of 1,500,000, or (2) at a school of optometry with a curriculum that is substantially similar to the curriculum taught at the school of optometry described in item (1) of this subsection. Advanced optometric procedures do not include the use of lasers.~~

(Source: P.A. 98-186, eff. 8-5-13; 99-909, eff. 1-1-17.)

(225 ILCS 80/4) (from Ch. 111, par. 3904)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4. License requirement. No person shall practice, or attempt to practice, optometry, as defined in this Act, without a valid license as an optometrist issued by the Department.
(Source: P.A. 85-896.)

(225 ILCS 80/5) (from Ch. 111, par. 3905)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Title and designation of licensed optometrists. Every person to whom a valid existing license as an optometrist has been issued under this Act, shall be designated professionally as an "optometrist" and not otherwise, and any such licensed optometrist may, in connection with the practice of the licensed optometrist's ~~his or her~~ profession, use the title or designation of "optometrist", and, if entitled by degree from a college or university recognized by the Department of Financial and Professional Regulation, may use the title of "Doctor of Optometry", or the abbreviation "O.D.". When the name of such licensed optometrist is used professionally in oral, written, or printed announcements, prescriptions, professional cards, or publications for the information of the public, and is preceded by the title "Doctor" or the abbreviation "Dr.", the explanatory designation of "optometrist", "optometry", or "Doctor of Optometry" shall be added immediately following such title and name. When such announcement, prescription, professional care or publication is in writing or in print, such explanatory addition shall be in writing, type, or print not less than one-half the size of that used in said name and title. No person other than the holder of a valid existing license under this Act shall use the title and designation of "Doctor of Optometry", "O.D.", or "optometrist", either directly or indirectly in connection with the licensee's ~~his or her~~ profession or business.
(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/6) (from Ch. 111, par. 3906)

(Section scheduled to be repealed on January 1, 2027)

Sec. 6. Display of license; change of address; record of examinations and prescriptions.

(a) Every holder of a license under this Act shall display such license on a conspicuous place in the office or offices wherein such holder practices optometry and every holder shall, whenever requested, exhibit such license to any representative of the Department, and shall notify the Department of the address or addresses and of every change thereof, where such holder shall practice optometry.

(b) Every licensed optometrist shall keep a record of examinations made and prescriptions issued, which record shall include the names of persons examined and for whom prescriptions were prepared, and shall be signed by the licensed optometrist and shall be retained in the office in which such professional service was rendered or in a secure offsite storage facility. Such records shall be preserved by the optometrist for a period designated by the Department. A copy of such records shall be provided, upon written request, to the person examined, or the person's ~~his or her~~ designee.
(Source: P.A. 97-1028, eff. 1-1-13.)

(225 ILCS 80/7) (from Ch. 111, par. 3907)

(Section scheduled to be repealed on January 1, 2027)

Sec. 7. Additional practice locations.

(a) Every holder of a license under this Act shall report to the Department every additional location where the licensee engages in the practice of optometry. Such reports shall be made prior to practicing at the location and shall be done in a manner prescribed by the Department.

(b) Failure to report a practice location or to maintain evidence of such a report at the practice location shall be a violation of this Act and shall be considered the unlicensed practice of optometry. Registering a location where a licensee does not practice shall also be a violation of this Act.

(c) Nothing contained herein, however, shall be construed to require a licensed optometrist in active practice to report a location to the Department when serving on the staff of a hospital or an institution that receives no fees (other than entrance registration fees) for the services rendered by the optometrist and for which the optometrist receives no fees or compensation directly or indirectly for such services rendered.

(d) Nothing contained herein shall be construed to require a licensed optometrist to report a location to the Department when rendering necessary optometric services for the licensed optometrist's ~~his or her~~ patients confined to their homes, hospitals or institutions, or to act in an advisory capacity, with or without remuneration, in any industry, school or institution.
(Source: P.A. 96-270, eff. 1-1-10.)

(225 ILCS 80/8) (from Ch. 111, par. 3908)

(Section scheduled to be repealed on January 1, 2027)

Sec. 8. Permitted activities. This Act does not prohibit:

(1) Any person licensed in this State under any other Act from engaging in the practice for which the person ~~he or she~~ is licensed.

(2) The practice of optometry by a person who is employed by the United States government or any bureau, division or agency thereof while in the discharge of the employee's official duties.

(3) The practice of optometry that is included in their program of study by students enrolled in schools of optometry or in continuing education courses approved by the Department.

(4) Persons, firms, and corporations who manufacture or deal in eyeglasses ~~eye glasses~~ or spectacles in a store, shop, or other permanently established place of business, and who neither practice nor attempt to practice optometry from engaging the services of one or more licensed optometrists, nor prohibit any such licensed optometrist when so engaged, to practice optometry as defined in Section 3 of this Act, when the person, or firm, or corporation so conducts the person's, firm's, or corporation's ~~his or her or its~~ business in a permanently established place and in such manner that the person's, firm's, or corporation's ~~his or her or its~~ activities, in any department in which such optometrist is engaged, insofar as the practice of optometry is concerned, are in keeping with the limitations imposed upon individual practitioners of optometry by subparagraphs 17, 23, 26, 27, 28, 29, and 30 of Section 24 of this Act; provided, that such licensed optometrist or optometrists shall not be exempt, by reason of such relationship, from compliance with the provisions of this Act as prescribed for individual practitioners of optometry.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/9) (from Ch. 111, par. 3909)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9. Definitions. For purposes of ~~In~~ this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Illinois Optometric Licensing and Disciplinary Board appointed by the Secretary.

(4) "License" means the document issued by the Department authorizing the person named thereon to practice optometry.

(5) (Blank).

(6) "Direct supervision" means supervision of any person assisting an optometrist, requiring that the optometrist authorize the procedure, remain in the facility while the procedure is performed, approve the work performed by the person assisting before dismissal of the patient, but does not mean that the optometrist must be present with the patient, during the procedure. For the dispensing of contact lenses, "direct supervision" means that the optometrist is responsible for training the person assisting the optometrist in the dispensing or sale of contact lenses, but does not mean that the optometrist must be present in the facility where the optometrist ~~he or she~~ practices under a license or ancillary registration at the time the contacts are dispensed or sold. For the practice of optometry through telehealth, "direct supervision" means supervision by an optometrist of any person located at a remote location who is assisting an optometrist with procedures or optometric services administered to a patient at the remote location when the optometrist is at a distant site.

(7) "Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

(8) "Remote location" means the site at which the patient is located at the time optometric services are rendered through telehealth to that patient.

(9) "Distant site" means the location in Illinois from which an optometrist is rendering services through telehealth.

(10) "Interactive telecommunications system" means an audio and video system permitting 2-way, real-time interactive communication between a patient located at a remote location and an optometrist located at a distant site.

(11) "Telehealth" means the evaluation, diagnosis, or interpretation of patient-specific data that is transmitted by way of an interactive telecommunication system between a remote location and an optometrist located at a distant site that generates interaction or treatment recommendations for a patient located at a remote location. "Telehealth" includes the performance of any of the activities set forth in Sections 3 and 15.1.

(12) "Email address of record" means the designated email address by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

(Source: P.A. 102-153, eff. 1-1-22.)

(225 ILCS 80/9.5)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9.5. Address of record; email address of record ~~Change of address~~. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after the change, either through the Department's website or by contacting the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.~~

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/10) (from Ch. 111, par. 3910)

(Section scheduled to be repealed on January 1, 2027)

Sec. 10. Powers and duties of Department; rules; report.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise such other powers and duties necessary for effectuating the purpose of this Act.

(b) The Secretary shall promulgate rules consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms that shall be issued in connection therewith. The rules shall include standards and criteria for licensure and certification, and professional conduct and discipline.

(c) The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's responses and any recommendations made therein. The Department may solicit the advice of the Board on any matter relating to the administration and enforcement of this Act.

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/11) (from Ch. 111, par. 3911)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11. Optometric Licensing and Disciplinary Board.

(a) The Secretary shall appoint an Illinois Optometric Licensing and Disciplinary Board as follows: Seven persons who shall be appointed by and shall serve in an advisory capacity to the Secretary. Five members must be lawfully and actively engaged in the practice of optometry in this State, one member shall be a licensed optometrist, with a full-time faculty appointment with a school of optometry located in this State and recognized by the Department ~~the Illinois College of Optometry~~, and one member must be a member of the public who shall be a voting member and is not licensed under this Act, or a similar Act of another jurisdiction, or have any connection with the profession. Neither the public member nor the faculty member shall participate in the preparation or administration of the examination of applicants for licensure.

(b) Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be appointed to the Board for more than 2 successive 4-year terms, not counting any partial terms when appointed to fill the unexpired portion of a vacated term. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

(c) The Board shall annually elect a chairperson and a vice-chairperson, both of whom shall be licensed optometrists.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(f) The Secretary may remove any member of the Board for misconduct, incapacity, or neglect of duty, and the Secretary shall be the sole judge of the sufficiency of cause for removal ~~terminate the appointment of any member for cause~~.

(g) The members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

(h) Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

(i) The Secretary shall give due consideration to all recommendations of the Board.

(j) Without, in any manner, limiting the power of the Department to conduct investigations, the Board may recommend to the Secretary that one or more licensed optometrists be selected by the Secretary to conduct or assist in any investigation pursuant to this Act. Such licensed optometrist may receive remuneration as determined by the Secretary.

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/12) (from Ch. 111, par. 3912)

(Section scheduled to be repealed on January 1, 2027)

Sec. 12. Applications for licenses.

(a) Applications for original licenses shall be made to the Department in writing or electronically on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license.

(b) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the application fees shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 99-43, eff. 1-1-16.)

(225 ILCS 80/13) (from Ch. 111, par. 3913)

(Section scheduled to be repealed on January 1, 2027)

Sec. 13. Examination of applicants for licensure. The Department shall promulgate rules establishing examination requirements for applicants as optometrists. The examination shall accurately evaluate the applicant's ability to perform to the minimum standards of the practice of optometry.

Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

The Department may employ consultants for the purpose of preparing and conducting examinations.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/16) (from Ch. 111, par. 3916)

(Section scheduled to be repealed on January 1, 2027)

Sec. 16. Renewal, reinstatement or restoration of licenses; military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) All renewal applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. The Department shall, by rule, provide for an orderly process for the reinstatement of licenses which have not been renewed due to failure to meet the continuing education requirements. The continuing education requirement may be waived for such good cause, including, but not limited to, illness or hardship, as defined by rules of the Department.

(c) The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

~~Any licensee seeking renewal of his or her license during the renewal cycle beginning April 1, 2008 must first complete a tested educational course in the use of oral pharmaceutical agents for the management of ocular conditions, as approved by the Board.~~

(d) Any optometrist who has permitted the optometrist's ~~his or her~~ license to expire or who has had the optometrist's ~~his or her~~ license on inactive status may have the optometrist's ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of the optometrist's ~~his or her~~ fitness to have the optometrist's ~~his or her~~ license restored and by paying the required fees. Such proof of fitness may include evidence certifying to active lawful practice in another jurisdiction and must include proof of the completion of the continuing education requirements specified in the rules for the preceding license renewal period that has been completed during the 2 years prior to the application for license restoration.

(e) The Department shall determine, by an evaluation program established by rule, an optometrist's ~~his or her~~ fitness for restoration of the optometrist's ~~his or her~~ license and shall establish procedures and requirements for such restoration.

However, any optometrist whose license expired while the person ~~he or she~~ was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the person's ~~his or her~~ license restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training, or education, the person ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the person ~~he or she~~ has been so engaged and that the person's ~~his or her~~ service, training, or education has been so terminated.

(f) All licenses without "Therapeutic Certification" on March 31, 2006 shall be placed on nonrenewed ~~non-renewed~~ status and may only be renewed after the licensee meets those requirements established by the Department that may not be waived. All licensees on March 31, 2010 without a certification of completion of an oral pharmaceutical course as required by this Section shall be placed on nonrenewed ~~non-renewed~~ status and may only be renewed after the licensee meets those requirements established by the Department that may not be waived.

(Source: P.A. 95-242, eff. 1-1-08; 96-270, eff. 1-1-10.)

(225 ILCS 80/17) (from Ch. 111, par. 3917)

(Section scheduled to be repealed on January 1, 2027)

Sec. 17. Inactive status.

(a) Any optometrist who notifies the Department in writing on forms prescribed by the Department, may elect to place the optometrist's ~~his or her~~ license on an inactive status and shall be excused from payment of renewal fees until the optometrist ~~he or she~~ notifies the Department in writing of the optometrist's ~~his~~ intent to restore the optometrist's ~~his or her~~ license.

(b) Any optometrist requesting restoration from inactive status shall be required to pay the current renewal fee, to provide proof of completion of the continuing education requirements specified in the rules for the preceding license renewal period that has been completed during the 2 years prior to the application for restoration, and to restore the optometrist's ~~his or her~~ license as provided by rule of the Department. All licenses without "Therapeutic Certification" that are on inactive status as of March 31, 2006 shall be placed on nonrenewed ~~non-renewed~~ status and may only be restored after the licensee meets those requirements established by the Department that may not be waived.

(c) Any optometrist whose license is in an expired or inactive status shall not practice optometry in the State of Illinois.

(d) Any licensee who shall practice while the optometrist's ~~his or her~~ license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under Section 24 subsection (a) of this Act.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/18) (from Ch. 111, par. 3918)

(Section scheduled to be repealed on January 1, 2027)

Sec. 18. Endorsement.

(a) The Department may, in its discretion, license as an optometrist, without examination on payment of the required fee, an applicant who is so licensed under the laws of another state or jurisdiction of the United States. The Department may issue a license, upon payment of the required fee and recommendation of the Board, to an individual applicant who is licensed in any foreign country or province whose standards, in the opinion of the Board or Department, were, at the date of the applicant's ~~his or her~~ licensure, substantially equivalent to the requirements then in force in this State; or if the applicant possesses individual qualifications and skills which demonstrate substantial equivalence to current Illinois requirements.

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

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/20) (from Ch. 111, par. 3920)

(Section scheduled to be repealed on January 1, 2027)

Sec. 20. Fund.

(a) All moneys received by the Department pursuant to this Act shall be deposited into ~~in~~ the Optometric Licensing and Disciplinary Board Fund, which is hereby created as a special fund in the State treasury ~~Treasury~~, and shall be used for the administration of this Act, including: (a) by the Board and Department in the exercise of its powers and performance of its duties; (b) for costs directly related to license renewal of persons licensed under this Act; and (c) for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Subject to appropriation, moneys in the Optometric Licensing and Disciplinary Board Fund may be used for the Optometric Education Scholarship Program administered by the Illinois Student Assistance Commission pursuant to Section 65.70 of the Higher Education Student Assistance Act.

(b) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-300)~~.

(c) Money in the Optometric Licensing and Disciplinary Board Fund may be invested and reinvested, with all earnings received from such investment to be deposited into ~~in~~ the Optometric Licensing and Disciplinary Board Fund and used for the same purposes as fees deposited into ~~in~~ such fund.

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/22) (from Ch. 111, par. 3922)

(Section scheduled to be repealed on January 1, 2027)

Sec. 22. Advertising.

(a) Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered provided that such advertising is truthful and not misleading and is in conformity with rules promulgated by the Department.

(b) It is unlawful for any person licensed under this Act to use claims of superior quality of care to entice the public.

(Source: P.A. 99-43, eff. 1-1-16.)

(225 ILCS 80/24) (from Ch. 111, par. 3924)

(Section scheduled to be repealed on January 1, 2027)

Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed $10,000 for each violation, with regard to any license for any one or combination of the causes set forth in subsection (a-3) of this Section. All fines collected under this Section shall be deposited into ~~in~~ the Optometric Licensing and Disciplinary Board Fund. Any fine imposed shall be payable within 60 days after the effective date of the order imposing the fine.

(a-3) Grounds for disciplinary action include the following:

(1) Violations of this Act, or of the rules promulgated hereunder.

(2) Conviction of or entry of a plea of guilty to any crime under the laws of any U.S. jurisdiction thereof that is a felony or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

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

(4) Professional incompetence or gross negligence in the practice of optometry.

(5) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction.

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

(7) Failing, within 60 days, to provide information in response to a written request made by the Department that has been sent by certified or registered mail to the licensee's last known address.

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

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

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

(11) Violation of the prohibition against fee splitting in Section 24.2 of this Act.

(12) A finding by the Department that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status has violated the terms of probation.

(13) Abandonment of a patient.

(14) Willfully making or filing false records or reports in the licensee's ~~his or her~~ practice, including, but not limited to, false records filed with State agencies or departments.

(15) Willfully failing to report an instance of suspected abuse or neglect as required by law.

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

(17) Solicitation of professional services other than permitted advertising.

(18) Failure to provide a patient with a copy of the patient's ~~his or her~~ record or prescription in accordance with federal law.

(19) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of optometry, conviction in this or another State of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

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

(21) Continued practice by a person knowingly having an infectious or contagious disease.

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

(23) Practicing or attempting to practice under a name other than the full name as shown on the licensee's ~~his or her~~ license.

(24) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct or sexual exploitation, related to the licensee's practice.

(25) Maintaining a professional relationship with any person, firm, or corporation when the optometrist knows, or should know, that such person, firm, or corporation is violating this Act.

(26) Promotion of the sale of drugs, devices, appliances or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(27) Using the title "Doctor" or its abbreviation without further qualifying that title or abbreviation with the word "optometry" or "optometrist".

(28) Use by a licensed optometrist of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where optometry may be practiced or demonstrated unless the licensee is employed by and practicing at a location that is licensed as a hospital or accredited as a school or university.

(29) Continuance of an optometrist in the employ of any person, firm or corporation, or as an assistant to any optometrist or optometrists, directly or indirectly, after the optometrist's ~~his or her~~ employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of optometry, when the employer or superior persists in that violation.

(30) The performance of optometric service in conjunction with a scheme or plan with another person, firm or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of optometry.

(31) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Board and approved by the Secretary. Exceptions for extreme hardships are to be defined by the rules of the Department.

(32) Willfully making or filing false records or reports in the practice of optometry, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(33) Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(34) In the absence of good reasons to the contrary, failure to perform a minimum eye examination as required by the rules of the Department.

(35) Violation of the Health Care Worker Self-Referral Act.

The Department shall refuse to issue or shall suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(a-5) In enforcing this Section, the Board or Department, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed optometrist. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board or Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board or Department finds an individual unable to practice because of the reasons set forth in this Section, the Board or Department shall require such individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual, or the Board may recommend to the Department to file a complaint to suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have the individual's ~~his or her~~ license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume the licensee's ~~his or her~~ practice.

(Source: P.A. 99-43, eff. 1-1-16; 99-909, eff. 1-1-17.)

(225 ILCS 80/24.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 24.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in this Section 24.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, whether or not the worker is employed, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with the licensee's ~~his or her~~ license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing optometry through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act;

(2) the entity is organized under the Professional Services Corporation Act or the Professional Association Act;

(3) the entity is (i) a licensed hospital or hospital affiliate or (ii) a licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians or optometrists; or

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c).

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(i) the licensee or the licensee's practice under subsection (c) at all times controls the amount of fees charged and collected; and

(ii) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c), a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) Nothing contained in this Section prohibits the payment of rent or other remunerations paid to an individual, partnership, or corporation by a licensee for the lease, rental, or use of space, owned or controlled by the individual, partnership, corporation, or association.

(h) Nothing contained in this Section prohibits the payment, at no more than fair market value, to an individual, partnership, or corporation by a licensee for the use of staff, administrative services, franchise agreements, marketing required by franchise agreements, or equipment owned or controlled by the individual, partnership, or corporation, or the receipt thereof by a licensee.

(Source: P.A. 96-608, eff. 8-24-09; 97-563, eff. 8-25-11.)

(225 ILCS 80/25) (from Ch. 111, par. 3925)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25. Returned checks; fines.

(a) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license.

(b) The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing.

(c) If, after termination or denial, the person seeks a license, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application.

(d) The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/26.1) (from Ch. 111, par. 3926.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.1. Injunctions; criminal offenses; cease and desist orders.

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

(b) If any person shall practice as an optometrist or hold oneself ~~himself or herself~~ out as an optometrist without being licensed under the provisions of this Act then any licensed optometrist, any interested party or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

Whoever knowingly practices or offers to practice optometry in this State without being licensed for that purpose shall be guilty of a Class A misdemeanor and for each subsequent conviction, shall be guilty of a Class 4 felony. Notwithstanding any other provision of this Act, all criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of the Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Optometric Licensing and Disciplinary Board Fund.

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

(Source: P.A. 94-556, eff. 9-11-05; 94-787, eff. 5-19-06.)

(225 ILCS 80/26.2) (from Ch. 111, par. 3926.2)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.2. Investigation; notice. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct the accused ~~him or her~~ to file the accused's ~~his or her~~ written answer to the Board under oath within 20 days after the service on the accused ~~him or her~~ of the notice and inform the accused ~~him or her~~ that if the accused ~~he or she~~ fails to file an answer default will be taken against the accused ~~him or her~~ and the accused's ~~his or her~~ license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of the accused's ~~his or her~~ practice, as the Department may deem proper taken with regard thereto. The written notice and any notice in the subsequent proceeding may be served by personal delivery or by regular or certified mail to the applicant's or licensee's address of record. In case the person fails to file an answer after receiving notice, the person's ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Department may continue the hearing from time to time. At the discretion of the Secretary after having first received the recommendation of the Board, the accused person's license may be suspended, revoked, placed on probationary status, or whatever disciplinary action as the Secretary may deem proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/26.7) (from Ch. 111, par. 3926.7)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.7. Hearing officer. Notwithstanding the provisions of Section 26.6 of this Act, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a license. The hearing officer shall have full authority to conduct the hearing. The Board shall have the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report the hearing officer's ~~his or her~~ findings of fact, conclusions of law and recommendations to the Board and the Secretary. The Board shall review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Secretary disagrees in any regard with the report of the Board or hearing officer, the Secretary ~~he or she~~ may issue an order in contravention thereof. The Secretary shall specify with particularity the reasons for such action in the final order.

(Source: P.A. 99-909, eff. 1-1-17.)

(225 ILCS 80/26.13) (from Ch. 111, par. 3926.13)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.13. Temporary suspension. The Secretary may temporarily suspend the license of an optometrist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 26.2 of this Act, if the Secretary finds that evidence in the Secretary's ~~his or her~~ possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary suspends, temporarily, this license without a hearing, a hearing by the Department must be held within 30 days after such suspension has occurred, and be concluded without appreciable delay.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/26.14) (from Ch. 111, par. 3926.14)

(Section scheduled to be repealed on January 1, 2027)

Sec. 26.14. Administrative Review Law; venue.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the "Administrative Review Law", as amended, and all rules are adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

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

(Source: P.A. 97-333, eff. 8-12-11.)

Section 35. The Illinois Physical Therapy Act is amended by changing Section 2 as follows:

(225 ILCS 90/2) (from Ch. 111, par. 4252)

(Section scheduled to be repealed on January 1, 2031)

Sec. 2. Licensure requirement; exempt activities. No person shall after the date of August 31, 1965 begin to practice physical therapy in this State or hold oneself out as being able to practice this profession, unless the person is licensed as such in accordance with the provisions of this Act. After July 1, 1991 (the effective date of Public Act 86-1396), no person shall practice or hold oneself out as a physical therapist assistant unless the person is licensed as such under this Act. A physical therapist shall use the initials "PT" in connection with the physical therapist's name to denote licensure under this Act, and a physical therapist assistant shall use the initials "PTA" in connection with the physical therapist assistant's name to denote licensure under this Act.

This Act does not prohibit:

(1) Any person licensed in this State under any other Act from engaging in the practice for which the person is licensed.

(2) The practice of physical therapy by those persons, practicing under the supervision of a licensed physical therapist and who have met all of the qualifications as provided in Sections 8 and ~~7,~~ 8.1~~, and 9~~ of this Act, until the next examination is given for physical therapists or physical therapist assistants and the results have been received by the Department and the Department has determined the applicant's eligibility for a license. Anyone failing to pass said examination shall not again practice physical therapy until such time as an examination has been successfully passed by such person.

(3) The practice of physical therapy for a period not exceeding 6 months by a person who is in this State on a temporary basis to assist in a case of medical emergency or to engage in a special

physical therapy project, and who meets the qualifications for a physical therapist as set forth in Sections 7 and 8 of this Act and is licensed in another state as a physical therapist.

(4) Practice of physical therapy by qualified persons who have filed for endorsement for no longer than one year or until such time that notification of licensure has been granted or denied, whichever period of time is lesser.

(5) One or more licensed physical therapists from forming a professional service corporation under the provisions of the Professional Service Corporation Act and licensing such corporation for the practice of physical therapy.

(6) Physical therapy aides from performing patient care activities under the on-site supervision of a licensed physical therapist or licensed physical therapist assistant. These patient care activities shall not include interpretation of referrals, evaluation procedures, the planning of or major modifications of, patient programs.

(7) Physical therapist assistants from performing patient care activities under the general supervision of a licensed physical therapist. The physical therapist must maintain continual contact with the physical therapist assistant including periodic personal supervision and instruction to ensure the safety and welfare of the patient.

(8) The practice of physical therapy by a physical therapy student or a physical therapist assistant student under the on-site supervision of a licensed physical therapist. The physical therapist shall be readily available for direct supervision and instruction to ensure the safety and welfare of the patient.

(9) The practice of physical therapy as part of an educational program by a physical therapist licensed in another state or country for a period not to exceed 6 months.

(10) (Blank).

(Source: P.A. 104-154, eff. 1-1-26; 104-417, eff. 8-15-25.)

Section 40. The Boxing and Full-contact Martial Arts Act is amended by changing Sections 1, 2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17.7, 17.8, 18, 19, 19.1, 23, 23.1, 24, and 25.1 as follows:

(225 ILCS 105/1) (from Ch. 111, par. 5001)

(Section scheduled to be repealed on January 1, 2027)

Sec. 1. Short title and definitions.

(a) This Act may be cited as the Boxing and Full-contact Martial Arts Act.

(b) As used in this Act:

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

"Secretary" means the Secretary of Financial and Professional Regulation or a person authorized by the Secretary to act in the Secretary's stead.

"Board" means the State of Illinois Athletic Board.

"License" means the license issued for promoters, professional contestants, amateur contestants ~~professionals, amateurs~~, or professional or amateur officials in accordance with this Act.

"Contest" means a boxing or full-contact martial arts competition in which contestants compete against each other in matched bouts ~~all of the participants competing against one another are professionals or amateurs~~ and where the public is able to attend or a fee is charged to attend.

"Permit" means the authorization from the Department to a promoter to conduct a contest ~~professional or amateur contests, or a combination of both~~.

"Professional promoter ~~Promoter~~" means a person who is licensed and who holds a permit to conduct professional or amateur contests, or a combination of both.

"Amateur promoter" means a person who is licensed and who holds a permit to conduct amateur contests.

Unless the context indicates otherwise, "person" includes, but is not limited to, an individual, association, organization, business entity, gymnasium, or club.

"Judge" means a person licensed by the Department who is located at ringside or adjacent to the fighting area during a contest and who has the responsibility of scoring the performance of the contestants ~~participants~~ in that ~~professional or amateur~~ contest.

"Referee" means a person licensed by the Department who has the general supervision of and is present inside of the ring or fighting area during a ~~professional or amateur~~ contest.

"Amateur contest" means a contest where only amateur contestants are permitted to compete.

"Amateur contestant" means a contestant ~~person~~ licensed by the Department who is not competing for, and has never received or competed for, any purse or other article of value, directly or indirectly, either for participating in any contest or for the expenses of training therefor, other than a non-monetary prize that does not exceed $50 in value.

"Amateur official" means a referee or judge who is licensed by the Department to participate as an official in amateur contests.

"Professional contestant" means a contestant ~~person~~ licensed by the Department who competes for a money prize, purse, or other type of compensation in a professional contest ~~held in Illinois~~.

"Professional official" means a person who is in the role of a second, referee, matchmaker, timekeeper, or judge who is licensed by the Department and permitted to participate as an official in any type of contest.

"Professional contest" means a contest where only professional contestants are permitted to compete or a contest where both professional contestants and amateur contestants are permitted to compete.

"Second" means a person ~~licensed by the Department~~ who is present at any ~~professional or amateur~~ contest to provide assistance or advice to contestants ~~a professional~~ during the contest.

"Matchmaker" means a person ~~licensed by the Department~~ who arranges professional or amateur contestants by record and skill level for bouts and submits those matches to the Department for consideration ~~brings together professionals or amateurs~~ to compete in contests.

"Manager" means a person ~~licensed by the Department~~ who is not a promoter and who, under contract, agreement, or other arrangement, undertakes to, directly or indirectly, control or administer the affairs of contestants.

"Timekeeper" means a person ~~licensed by the Department~~ who is the official timer of the length of rounds and the intervals between the rounds.

"Purse" means the financial guarantee or any other remuneration for which contestants are participating in a professional contest.

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

"Martial arts" means a discipline or combination of different disciplines that utilizes sparring techniques without the intent to injure, disable, or incapacitate one's opponent, such as, but not limited to, Karate, Kung Fu, Jujutsu, and Tae Kwon Do.

"Full-contact martial arts" means the use of a singular discipline or a combination of techniques from different disciplines of the martial arts, including, without limitation, full-force grappling, kicking, and striking with the intent to injure, disable, or incapacitate one's opponent.

"Contestant" means a person who competes in either a boxing or full-contact martial arts contest.

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit.

"Bout" means one match between 2 contestants.

"Sanctioning body" means an organization approved by the Department under the requirements and standards stated in this Act and the rules adopted under this Act to act as a governing body that sanctions professional or amateur ~~full-contact martial arts~~ contests.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/2) (from Ch. 111, par. 5002)

(Section scheduled to be repealed on January 1, 2027)

Sec. 2. State of Illinois Athletic Board.

(a) The Secretary shall appoint members to the State of Illinois Athletic Board. The Board shall consist of 7 members who shall serve in an advisory capacity to the Secretary. One member of the Board shall be a physician licensed to practice medicine in all of its branches. One member of the Board shall be a member of the full-contact martial arts community. One member of the Board shall be a member of either the full-contact martial arts community or the boxing community.

(b) Board members shall serve 5-year terms and until their successors are appointed and qualified.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the martial arts and boxing industry.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) No member shall be appointed to the Board for a term that would cause the member's ~~his or her~~ continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) The Secretary may terminate the appointment of any member for cause that in the opinion of the Secretary reasonably justified such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(g) Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

(h) Four members of the Board shall constitute a quorum. A quorum is required for Board decisions.

(i) Members of the Board shall have no liability in any action based upon activity performed in good faith as members of the Board.

(j) Members of the Board may be reimbursed for all legitimate, necessary, and authorized expenses.
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/5) (from Ch. 111, par. 5005)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5. Powers and duties of the Department. The Department shall, subject to the provisions of this Act, exercise the following functions, powers, and duties:

(1) Ascertain the qualifications and fitness of applicants for licenses ~~license~~ and permits.

(2) Adopt rules required for the administration of this Act.

(3) Conduct hearings on proceedings to refuse to issue, renew, or restore licenses and revoke, suspend, place on probation, or reprimand those licensed under the provisions of this Act.

(4) Issue licenses to those who meet the qualifications of this Act and its rules.

(5) Conduct investigations related to possible violations of this Act.
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/6) (from Ch. 111, par. 5006)

(Section scheduled to be repealed on January 1, 2027)

Sec. 6. Restricted contests and events.

(a) All professional and amateur contests, or a combination of both, in which physical contact is made are prohibited in Illinois unless authorized by the Department pursuant to the requirements and standards stated in this Act and the rules adopted pursuant to this Act. This subsection (a) does not apply to any of the following contests or contestants:

(1) Amateur ~~boxing or full-contact martial arts~~ contests conducted by accredited secondary schools, colleges, or universities, although a fee may be charged.

(2) Amateur boxing contests that are sanctioned by USA Boxing or any other sanctioning body ~~organization~~ approved by the Department as determined by rule.

(3) Amateur boxing contests conducted by a State, county, or municipal entity, including those events held by any agency organized under these entities.

(4) Amateur martial arts contests that are not defined as full-contact martial arts contests under this Act.

(5) Full-contact martial arts contests, as defined by this Act, that are recognized by the International Olympic Committee or are contested in the Olympic Games and are not conducted in an enclosed fighting area or ring.

No other ~~amateur boxing or full-contact martial arts~~ contests are ~~shall be~~ permitted unless authorized by the Department.

(b) The Department shall have the authority to determine whether a ~~professional or amateur~~ contest is exempt for purposes of this Section.
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/7) (from Ch. 111, par. 5007)

(Section scheduled to be repealed on January 1, 2027)

Sec. 7. Authorization to conduct contests; sanctioning bodies.

(a) In order to conduct a professional contest, an amateur contest, or a combination of both, in this State, a promoter shall obtain a permit issued by the Department in accordance with this Act and the rules

~~and regulations~~ adopted pursuant thereto. This permit shall authorize one or more ~~professional or amateur~~ contests~~, or a combination of both~~.

(b) Pursuant to rules adopted by the Department ~~Before January 1, 2023~~, amateur boxing ~~full contact martial arts~~ contests must have a permit issued by the Department ~~be registered~~ and be sanctioned by a sanctioning body approved by the Department for that purpose under the requirements and standards stated in this Act and the rules adopted under this Act.

(c) A ~~On and after January 1, 2023, a~~ promoter for an amateur full-contact martial arts contest shall obtain a permit issued by the Department under the requirements and standards set forth in this Act and the rules adopted under this Act.

(d) The ~~On and after January 1, 2023, the~~ Department shall not approve any sanctioning body for amateur full-contact martial arts contests. A sanctioning body's approval by the Department for amateur full-contact martial arts contests that was received before the effective date of this amendatory Act of the 104th General Assembly ~~before January 1, 2023~~ is withdrawn ~~on January 1, 2023~~.

(e) A permit issued under this Act is not transferable.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/8) (from Ch. 111, par. 5008)

(Section scheduled to be repealed on January 1, 2027)

Sec. 8. Permits.

(a) A promoter who desires to obtain a permit to conduct a ~~professional or amateur~~ contest~~, or a combination of both,~~ shall apply to the Department at least 30 calendar days prior to the event, in writing or electronically, on forms prescribed by the Department. The application shall be accompanied by the required fee and shall contain, but not be limited to, the following information to be submitted at times specified by rule:

(1) the legal names and addresses of the promoter;

(2) the name of the matchmaker;

(3) the time and exact location of the professional or amateur contest, or a combination of both. It is the responsibility of the promoter to ensure that the building to be used for the event complies with all laws, ordinances, and regulations in the city, town, village, or county where the contest is to be held;

(4) the signed and executed copy of the event venue lease agreement; and

(5) the initial list of names of the professionals or amateurs competing subject to Department approval.

(b) The Department may issue a permit to any promoter who meets the requirements of this Act and the rules. The permit shall only be issued for a specific date and location of a ~~professional or amateur~~ contest~~, or a combination of both,~~ and shall not be transferable. The Department may allow a promoter to amend a permit application to hold a ~~professional or amateur~~ contest~~, or a combination of both,~~ in a different location other than the application specifies if all requirements of this Section are met, waiving the 30-day provision of subsection (a).

(c) The Department shall be responsible for assigning the judges, timekeepers, referees, and physicians for a professional contest, an amateur contest, or a combination of both. The Department may, at its sole discretion, permit a promoter to assign a physician to a contest. Compensation shall be determined by the Department, and it shall be the responsibility of the promoter to pay the individuals utilized.

(d) The promoter shall submit the following documents to the Department at times specified by rule:

(1) proof of adequate security measures, as determined by rule, to ensure the protection of the safety of contestants and the general public while attending professional contests, amateur contests, or a combination of both;

(2) proof of adequate medical supervision, as determined by rule, to ensure the protection of the health and safety of contestants ~~professionals or amateurs~~ while participating in contests;

(3) the complete and final list of names of the contestants ~~professionals or amateurs~~ competing, subject to Department approval, which shall be submitted up to 48 hours prior to the event date specified in the permit;

(4) proof of insurance for not less than $50,000 as further defined by rule for each contestant ~~professional or amateur~~ participating in a ~~professional or amateur~~ contest~~, or a combination of both~~; insurance required under this paragraph shall cover: (i) hospital, medication, physician, and other such expenses as would accrue in the treatment of an injury as a result of the ~~professional or amateur~~ contest; (ii) payment to the estate of the contestant ~~professional or amateur~~ in the event of the

contestant's ~~his or her~~ death as a result of the contestant's ~~his or her~~ participation in the ~~professional or amateur~~ contest; and (iii) accidental death and dismemberment; the terms of the insurance coverage shall require the promoter, not the ~~licensed~~ contestant, to pay the policy deductible for the medical, surgical, or hospital care of a contestant for injuries a contestant sustained while engaged in a contest; if a ~~licensed~~ contestant pays for the medical, surgical, or hospital care, the insurance proceeds shall be paid to the contestant or the contestant's ~~his or her~~ beneficiaries as reimbursement for such payment;

(5) the amount of the purses to be paid to the professional contestant ~~professionals~~ for the event ~~as determined by rule~~;

(6) organizational or internationally accepted rules, per discipline, for ~~professional or amateur full-contact martial arts~~ contests if the Department does not provide the rules for Department approval; and

(7) any other information the Department may require, as determined by rule, to issue a permit.

(e) If the accuracy, relevance, or sufficiency of any submitted documentation is questioned by the Department because of lack of information, discrepancies, or conflicts in information given or a need for clarification, the promoter seeking a permit may be required to provide additional information.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/10) (from Ch. 111, par. 5010)

(Section scheduled to be repealed on January 1, 2027)

Sec. 10. Who must be licensed.

(a) In order to participate in contests the following persons must each be licensed and in good standing with the Department:

(1) professional contestants and amateur contestants;

(2) seconds for professional contests;

(3) referees for professional and amateur contests;

(4) judges for professional and amateur contests;

(5) managers for professional contests;

(6) matchmakers for professional contests; and

(7) timekeepers for professional contests.

Seconds, managers, matchmakers, and timekeepers participating in amateur contests are not required to be licensed. ~~(a) professionals and amateurs, (b) seconds, (c) referees, (d) judges, (e) managers, (f) matchmakers, and (g) timekeepers.~~

(b) In order to hold a contest ~~participate in professional or amateur contests or a combination of both~~, promoters must be licensed and in good standing with the Department.

(c) Announcers may participate in ~~professional or amateur~~ contests~~, or a combination of both,~~ without being licensed under this Act. It shall be the responsibility of the promoter to ensure that announcers comply with the Act, and all rules and regulations promulgated pursuant to this Act.

(d) A licensed promoter may not act as, and cannot be licensed as, a second, contestant ~~professional~~, referee, timekeeper, judge, or manager. If the promoter ~~he or she~~ is so licensed, the promoter ~~he or she~~ must relinquish any of these licenses to the Department for cancellation. A person possessing a valid promoter's license may act as a matchmaker.

(e) (Blank). ~~Participants in amateur full-contact martial arts contests taking place before January 1, 2023 are not required to obtain licenses by the Department, except for promoters of amateur contests.~~

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/11) (from Ch. 111, par. 5011)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11. Qualifications for license. The Department shall grant licenses to the following persons if the following qualifications are met:

(1) An applicant for licensure as a professional or amateur must: (1) be 18 years old, (2) be of good moral character, (3) file an application stating the applicant's legal name (and no assumed or ring name may be used unless such name is registered with the Department along with the applicant's legal name), date of birth, place of current residence, and a sworn statement that the applicant ~~he or she~~ is not currently in violation of any federal, State or local laws or rules governing boxing or full-contact martial arts, (4) file a certificate from a physician licensed to practice medicine in all of its branches which attests that the applicant is physically fit and qualified to participate in ~~professional or amateur~~ contests, and (5) pay the required fee and meet any other requirements as determined by rule. Applicants over age 35 who have not competed in a ~~professional or amateur~~ contest within the 12

months preceding their application for licensure or have insufficient experience to participate in a ~~professional or amateur~~ contest may be required to appear before the Department to determine their fitness to participate in a ~~professional or amateur~~ contest.

(2) An applicant for licensure as a referee, judge, manager, second, matchmaker, or timekeeper must: (1) be of good moral character, (2) file an application stating the applicant's name, date of birth, and place of current residence along with a certifying statement that the applicant ~~he or she~~ is not currently in violation of any federal, State, or local laws or rules governing boxing, or full-contact martial arts, (3) have had satisfactory experience in the applicant's ~~his or her~~ field as defined by rule, (4) pay the required fee, and (5) meet any other requirements as determined by rule.

(3) An applicant for licensure as a promoter must: (1) be of good moral character, (2) file an application with the Department stating the applicant's name, date of birth, place of current residence along with a certifying statement that the applicant ~~he or she~~ is not currently in violation of any federal, State, or local laws or rules governing boxing or full-contact martial arts, (3) pay the required fee and meet any other requirements as established by rule, and (4) in addition to the foregoing, an applicant for licensure as a promoter ~~of professional or amateur contests or a combination of both professional and amateur bouts in one contest~~ shall also provide (i) proof of a surety bond of no less than $5,000 to cover financial obligations under this Act, payable to the Department and conditioned for the payment of the tax imposed by this Act and compliance with this Act, and the rules adopted under this Act, and (ii) a $10,000 performance bond guaranteeing payment of all obligations relating to the promotional activities payable to the Department and conditioned for the payment of the tax imposed by this Act and its rules.

(4) All applicants shall submit an application to the Department, in writing or electronically, on forms prescribed by the Department, containing such information as determined by rule.

In determining good moral character, the Department may take into consideration any violation of any of the provisions of Section 16 of this Act as to referees, judges, managers, matchmakers, timekeepers, or promoters and any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure. No license issued under this Act is transferable.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/12) (from Ch. 111, par. 5012)

(Section scheduled to be repealed on January 1, 2027)

Sec. 12. Contests ~~Professional or amateur contests~~.

(a) A ~~The professional or amateur~~ contest~~, or a combination of both,~~ shall be held in an area where adequate neurosurgical facilities are immediately available for skilled emergency treatment of an injured contestant ~~professional or amateur~~.

(b) Each contestant ~~professional or amateur~~ shall be examined before the contest and promptly after each bout by a physician. The physician shall determine, prior to the contest, if each contestant ~~professional or amateur~~ is physically fit to compete in the contest. After the bout the physician shall examine the contestant ~~professional or amateur~~ to determine possible injury. If the contestant's ~~professional's or amateur's~~ physical condition so indicates, the physician shall recommend to the Department immediate medical suspension. The physician or a licensed paramedic must check the vital signs of all contestants as established by rule.

(c) The physician may, at any time during the ~~professional or amateur~~ bout, stop the ~~professional or amateur~~ bout to examine a ~~professional or amateur~~ contestant and may direct the referee to terminate the bout when, in the physician's opinion, continuing the bout could result in serious injury to the contestant ~~professional or amateur~~. If the contestant's ~~professional's or amateur's~~ physical condition so indicates, the physician shall recommend to the Department immediate medical suspension. The physician shall certify to the condition of the contestant ~~professional or amateur~~ in writing, over the physician's ~~his or her~~ signature on forms prescribed by the Department. Such reports shall be submitted to the Department in a timely manner.

(d) No ~~professional or amateur~~ contest~~, or a combination of both,~~ shall be allowed to begin or be held unless at least one physician, at least one EMT and one paramedic, and one ambulance have been contracted with solely for the care of contestants ~~professionals or amateurs~~ who are competing as defined by rule.

(e) No professional boxing bout shall be more than 12 rounds in length. The rounds shall not be more than 3 minutes each with a minimum one-minute interval between them~~, and no~~.

(e-5) No contestant ~~professional boxer~~ shall be permitted ~~allowed~~ to participate in more than one contest within a ~~7-day~~ period determined by rule.

(e-10) The number and length of rounds for all other full-contact martial arts bouts ~~professional or amateur boxing or full-contact martial arts contests, or a combination of both,~~ shall be determined by rule.

(f) The number and types of amateur or professional officials required for each ~~professional or amateur~~ contest~~, or a combination of both,~~ shall be determined by the Department based on how many bouts are to be held at the contest ~~rule~~.

(g) The Department or its representative shall have discretion to declare a price, remuneration, or purse or any part of it belonging to the professional withheld if in the judgment of the Department or its representative the professional is not honestly competing.

(h) The Department shall have the authority to prevent a ~~professional or amateur~~ contest~~, or a combination of both,~~ from being held and shall have the authority to stop a ~~professional or amateur~~ contest~~, or a combination of both,~~ for noncompliance with any part of this Act or rules or when, in the judgment of the Department, or its representative, continuation of the event would endanger the health, safety, and welfare of the professionals or amateurs or spectators. The Department's authority to stop a contest on the basis that the ~~professional or amateur~~ contest~~, or a combination of both,~~ would endanger the health, safety, and welfare of the professionals or amateurs or spectators shall extend to any ~~professional or amateur~~ contest~~, or a combination of both,~~ regardless of whether that amateur contest is exempted from the prohibition in Section 6 of this Act.

(i) A professional contestant shall only compete against another professional contestant. An amateur contestant shall only compete against another amateur contestant. A contest may involve bouts between professional contestants and bouts between amateur contestants, but a professional contestant shall not compete against an amateur contestant.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/14) (from Ch. 111, par. 5014)

(Section scheduled to be repealed on January 1, 2027)

Sec. 14. Failure to report ticket sales and tax. If the permit holder fails to make a report as required by Section 13, or if such report is unsatisfactory, the Department may examine or cause to be examined the books and records of any such holder or the holder's ~~his~~ associates or any other person as a witness under oath to determine the total amount of tax due under this Act.

If it is determined that there has been a default in the payment of a tax, the promoter shall be given 20 days' ~~days~~ notice of the amount due which shall include the expenses incurred in making the examination.

If the promoter does not pay the amount due, the promoter ~~he~~ shall be disqualified from obtaining a permit under this Act and the Attorney General shall institute suit upon the bond filed pursuant to this Act to recover the tax or penalties imposed by this Act.

(Source: P.A. 91-408, eff. 1-1-00.)

(225 ILCS 105/15) (from Ch. 111, par. 5015)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15. Inspectors. The Secretary may appoint inspectors to assist the Department staff in the administration of the Act. Each inspector appointed by the Secretary shall receive compensation for each day the inspector ~~he or she~~ is engaged in the transacting of business of the Department. The inspector or inspectors shall supervise each professional contest, amateur contest, or combination of both and, at the Department's discretion, may supervise any contest to ensure that the provisions of the Act are strictly enforced.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/16) (from Ch. 111, par. 5016)

(Section scheduled to be repealed on January 1, 2027)

Sec. 16. Discipline and sanctions.

(a) The Department may refuse to issue a permit or license or refuse to renew, suspend, revoke, reprimand, place on probation, or take such other disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines not to exceed $10,000 for each violation, with regard to any permit or license for one or any combination of the following reasons:

(1) gambling, betting, or wagering on the result of or a contingency connected with a ~~professional or amateur~~ contest~~, or a combination of both,~~ or permitting such activity to take place;

(2) participating in or permitting a sham or fake ~~professional or amateur~~ contest, or a combination of both;

(3) holding the ~~professional or amateur~~ contest~~, or a combination of both,~~ at any other time or place than is stated on the permit application;

(4) permitting any contestant ~~professional or amateur~~ other than those stated on the permit application to participate in a ~~professional or amateur~~ contest~~, or a combination of both~~, except as provided in Section 9;

(5) violation or aiding in the violation of any of the provisions of this Act or any rules or regulations promulgated thereto;

(6) violation of any federal, State, or local laws of the United States or other jurisdiction governing ~~professional or amateur~~ contests or any regulation promulgated pursuant thereto;

(7) charging a greater rate or rates of admission than is specified on the permit application;

(8) failure to obtain all the necessary permits or licenses as required under this Act;

(9) failure to file the necessary bond or to pay the gross receipts or broadcast tax as required by this Act;

(10) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, or which is detrimental to honestly conducted contests;

(11) employment of fraud, deception or any unlawful means in applying for or securing a permit or license under this Act;

(12) permitting a physician making the physical examination to knowingly certify falsely to the physical condition of a contestant ~~professional or amateur~~;

(13) permitting professional ~~professionals~~ or amateur contestants ~~amateurs~~ of widely disparate weights or abilities to engage in ~~professional or amateur~~ contests, respectively;

(14) participating in a contest while under medical suspension in this State or in any other state, territory or country;

(15) physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skills which results in the inability to participate in contests with reasonable judgment, skill, or safety;

(16) allowing one's license or permit issued under this Act to be used by another person;

(17) failing, within 30 days ~~a reasonable time~~, to provide any information requested by the Department ~~as a result of a formal or informal complaint~~;

(18) professional incompetence;

(19) failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied;

(20) (blank);

(21) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an inability to participate in an event;

(22) failure to stop a ~~professional or amateur~~ contest~~, or a combination of both,~~ when requested to do so by the Department;

(23) failure of a promoter to adequately supervise and enforce this Act and its rules as applicable to amateur contests, as set forth in rule; or

(24) a finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, issuance of an order so finding and discharging the licensee.

(c) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department. The Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a physician licensed to practice medicine in all of its branches or a licensed and certified therapeutic optometrist. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another physician of the individual's ~~his or her~~ choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension or revocation of a license.

(d) A contestant who tests positive for a banned substance, as defined by rule, shall have the contestant's ~~his or her~~ license immediately suspended. The license shall be subject to other discipline as authorized in this Section.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/17.7)

(Section scheduled to be repealed on January 1, 2027)

Sec. 17.7. Restoration of license from discipline.

(a) At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a license under this Act, the Department may restore the license to the licensee unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest.

(b) If circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring the licensee's ~~his or her~~ license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until allowed under the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration under this Section and a licensee restoring the licensee's ~~his or her~~ license from suspension or revocation must comply with the requirements for renewal as set forth in this Act and its rules.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/17.8)

(Section scheduled to be repealed on January 1, 2027)

Sec. 17.8. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender the licensee's ~~his or her~~ license to the Department. If the licensee fails to do so, the Department has the right to seize the license.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/18) (from Ch. 111, par. 5018)

(Section scheduled to be repealed on January 1, 2027)

Sec. 18. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days prior to the date set for the hearing: (i) notify, in writing, the accused of the charges made and the time and place for the hearing on the charges; (ii) direct the accused ~~him or her~~ to file a written answer to the charges, under oath, within 20 days after service of the notice; and (iii) inform the applicant or licensee that failure to file an answer will result in a default being entered against the applicant or licensee.

(c) Written or electronic notice, and any notice in the subsequent proceedings, may be served by personal delivery, by email, or by mail to the applicant or licensee at the applicant's or licensee's ~~his or her~~ address of record or email address of record.

(d) At the time and place fixed in the notice, the hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The hearing officer may continue the hearing from time to time.

(e) If the licensee or applicant, after receiving the notice, fails to file an answer, the license's or applicant's ~~his or her~~ license may, in the discretion of the Secretary, be suspended, revoked, or placed on probationary status or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/19) (from Ch. 111, par. 5019)

(Section scheduled to be repealed on January 1, 2027)

Sec. 19. Hearing; motion for rehearing.

(a) The hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the applicant or licensee. At the conclusion of the hearing, the hearing officer shall present to the Secretary a written report of the hearing officer's ~~his or her~~ findings of fact, conclusions of law, and recommendations.

(b) A copy of the hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after

such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing that shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the hearing officer, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/19.1) (from Ch. 111, par. 5019.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 19.1. Hearing officer. Notwithstanding any provision of this Act, the Secretary has the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or discipline a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report the hearing officer's ~~his or her~~ findings of fact, conclusions of law, and recommendations to the Secretary.
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/23) (from Ch. 111, par. 5023)

(Section scheduled to be repealed on January 1, 2027)

Sec. 23. Fees.

(a) The fees for the administration and enforcement of this Act, including, but not limited to, original licensure, renewal, and restoration shall be set by rule. The fees shall not be refundable. All of the fees, taxes, and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

(b) (Blank). ~~Before January 1, 2023, there shall be no fees for amateur full-contact martial arts events; except that until January 1, 2023, the applicant fees for promoters of amateur events where only amateur bouts are held shall be $300.~~
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 23.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/24) (from Ch. 111, par. 5024)

(Section scheduled to be repealed on January 1, 2027)

Sec. 24. Unlicensed practice; violations; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself ~~himself or herself~~ out as being able to engage in practices requiring a license under this Act without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the

Department in an amount not to exceed $10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provision set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

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

(d) A person or entity not licensed under this Act who has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 105/25.1)

(Section scheduled to be repealed on January 1, 2027)

Sec. 25.1. Medical suspension.

(a) A licensee who is determined by the examining physician or Department to be unfit to compete or officiate shall be prohibited from participating in a contest in Illinois and, if actively licensed, shall be medically suspended until it is shown that the licensee ~~he or she~~ is fit for further competition or officiating.

(b) If the referee has stopped the bout or rendered a decision of technical knockout against a contestant ~~professional or amateur~~, the contestant ~~professional or amateur~~ shall be medically suspended immediately for a period of not less than 30 days.

(c) In a full-contact martial arts contest, if the contestant ~~professional or amateur~~ has tapped out, has submitted, or the referee has stopped the bout, the Department, in consultation with the ringside physician, shall determine the length of suspension.

(d) If the contestant ~~professional or amateur~~ has been knocked unconscious, the contestant ~~he or she~~ shall be medically suspended immediately for a period of not less than 45 days.

(e) A contestant ~~licensee~~ may receive a medical suspension for any injury sustained as a result of a bout that shall not be less than 7 days.

(f) A contestant ~~licensee~~ may receive additional terms and conditions for a medical suspension beyond a prescribed passage of time as authorized under this Section.

(g) If a contestant ~~licensee~~ receives a medical suspension that includes terms and conditions in addition to the prescribed passage of time as authorized under this Section, before the removal of the medical suspension, a licensee shall:

(1) satisfactorily pass a Department-prescribed medical examination;

(2) provide those examination results to the Department;

(3) provide any additional requested documentation as directed by the licensee's examining physician or Department where applicable; and

(4) if the licensee's examining physician requires any necessary additional medical procedures during the examination related to the injury that resulted in the medical suspension, those results shall be provided to the Department.

(h) Any medical suspension imposed as authorized under this Act upon ~~against~~ a contestant ~~licensee~~ shall be reported to the Department's record keeper as determined by rule.

(i) A medical suspension as authorized under this Section shall not be considered a suspension under Section 16 of this Act. A violation of the terms of a medical suspension authorized under this Section shall subject a licensee to discipline under Section 16 of this Act.

(j) A ~~professional or amateur~~ contestant who has been placed on medical suspension under the laws of another state, the District of Columbia, or a territory of the United States for substantially similar reasons as this Section shall be prohibited from participating in a contest as authorized under this Act until the requirements of subsection (g) of this Section have been met or the medical suspension has been removed by that jurisdiction.

(k) A medical suspension authorized under this Section shall begin the day after the bout a licensee participated in.

(Source: P.A. 102-20, eff. 1-1-22.)

Section 45. The Sex Offender Evaluation and Treatment Provider Act is amended by changing Sections 10, 30, 35, 40, 45, 50, 65, 75, 85, 90, 95, 100, 105, 110, 115, 125, 130, 135, and 145 and by adding Section 10.5 as follows:

(225 ILCS 109/10)

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

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit.

"Associate sex offender provider" means a person licensed under this Act to conduct sex offender evaluations or provide sex offender treatment services under the supervision of a licensed sex offender evaluator or a licensed sex offender treatment provider.

~~"Board" means the Sex Offender Evaluation and Treatment Licensing and Disciplinary Board.~~

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

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Licensee" means a person who has obtained a license under this Act.

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

"Sex offender evaluation" means a sex-offender specific evaluation that systematically uses a variety of standardized measurements, assessments and information gathered collaterally and through face-to-face interviews. Sex-offender specific evaluations assess risk to the community; identify and document treatment and developmental needs, including safe and appropriate placement settings; determine amenability to treatment; and are the foundation of treatment, supervision, and placement recommendations.

"Sex offender evaluator" means a person licensed under this Act to conduct sex offender evaluations.

"Sex offender treatment" means a comprehensive set of planned therapeutic interventions and experiences to reduce the risk of further sexual offending and abusive behaviors by the offender. Treatment may include adjunct therapies to address the unique needs of the individual, but must include offense specific services by a treatment provider who meets the qualifications in Section 30 of this Act. Treatment focuses on the situations, thoughts, feelings, and behavior that have preceded and followed past offending (abuse cycles) and promotes change in each area relevant to the risk of continued abusive, offending, or deviant sexual behaviors. Due to the heterogeneity of the persons who commit sex offenses, treatment is provided based on the individualized evaluation and assessment. Treatment is designed to stop sex offending and abusive behavior, while increasing the offender's ability to function as a healthy, pro-social member of the community. Progress in treatment is measured by change rather than the passage of time.

"Sex offender treatment provider" means a person licensed under this Act to provide sex offender treatment.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/10.5 new)

Sec. 10.5. Address of record; email address of record. All applicants and licensees shall:

(1) Provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) Inform the Department of any change of address of record or email address of record within 14 days after such change, either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 109/30)

Sec. 30. Social Security Number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original, renewal, reinstated, or restored license under this Act shall include the applicant's Social Security number or individual taxpayer identification number.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/35)

Sec. 35. Qualifications for licensure.

(a)(1) A person is qualified for licensure as a sex offender evaluator if that person:

(A) has applied in writing on forms prepared and furnished by the Department;

(B) has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 75 of this Act; and

(C) satisfies the licensure and experience requirements of paragraph (2) of this subsection (a).

(2) A person who applies to the Department shall be issued a sex offender evaluator license by the Department if the person meets the qualifications set forth in paragraph (1) of this subsection (a) and provides evidence to the Department that the person:

(A) is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or licensed under the laws of another state; an advanced practice registered nurse with psychiatric specialty licensed under the Nurse Practice Act or licensed under the laws of another state; a clinical psychologist licensed under the Clinical Psychologist Licensing Act or licensed under the laws of another state; a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or licensed under the laws of another state; a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or licensed under the laws of another state; or a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or licensed under the laws of another state;

(B) has 400 hours of supervised experience in the treatment or evaluation of sex offenders in the last 4 years, at least 200 of which are face-to-face therapy or evaluation with sex offenders;

(C) has completed at least 10 sex offender evaluations under supervision in the past 4 years; and

(D) has at least 40 hours of documented training in the specialty of sex offender evaluation, treatment, or management.

~~Until January 1, 2015, the requirements of subparagraphs (B) and (D) of paragraph (2) of this subsection (a) are satisfied if the applicant has been listed on the Sex Offender Management Board's Approved Provider List for a minimum of 2 years before application for licensure. Until January 1, 2015, the requirements of subparagraph (C) of paragraph (2) of this subsection (a) are satisfied if the applicant has completed at least 10 sex offender evaluations within the 4 years before application for licensure.~~

(b)(1) A person is qualified for licensure as a sex offender treatment provider if that person:

(A) has applied in writing on forms prepared and furnished by the Department;

(B) has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 75 of this Act; and

(C) satisfies the licensure and experience requirements of paragraph (2) of this subsection (b).

(2) A person who applies to the Department shall be issued a sex offender treatment provider license by the Department if the person meets the qualifications set forth in paragraph (1) of this subsection (b) and provides evidence to the Department that the person:

(A) is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or licensed under the laws of another state; an advanced practice registered nurse with psychiatric specialty licensed under the Nurse Practice Act or licensed under the laws of another state; a clinical psychologist licensed under the Clinical Psychologist Licensing Act or licensed under the laws of another state; a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or licensed under the laws of another state; a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or licensed under the laws of another state; or a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or licensed under the laws of another state;

(B) has 400 hours of supervised experience in the treatment of sex offenders in the last 4 years, at least 200 of which are face-to-face therapy with sex offenders; and

(C) has at least 40 hours documented training in the specialty of sex offender evaluation, treatment, or management.

~~Until January 1, 2015, the requirements of subparagraphs (B) and (C) of paragraph (2) of this subsection (b) are satisfied if the applicant has been listed on the Sex Offender Management Board's Approved Provider List for a minimum of 2 years before application.~~

(c)(1) A person is qualified for licensure as an associate sex offender provider if that person:

(A) has applied in writing on forms prepared and furnished by the Department;

(B) has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 75 of this Act; and

(C) satisfies the education and experience requirements of paragraph (2) of this subsection (c).

(2) A person who applies to the Department shall be issued an associate sex offender provider license by the Department if the person meets the qualifications set forth in paragraph (1) of this subsection (c) and provides evidence to the Department that the person holds a master's degree or higher in social work,

psychology, marriage and family therapy, counseling or closely related behavioral science degree, or psychiatry.

(Source: P.A. 100-201, eff. 8-18-17; 100-513, eff. 1-1-18.)

(225 ILCS 109/40)

Sec. 40. Application; exemptions.

(a) No person may act as a sex offender evaluator, sex offender treatment provider, or associate sex offender provider as defined in this Act for the provision of sex offender evaluations or sex offender treatment pursuant to the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act unless the person is licensed to do so by the Department. Any evaluation or treatment services provided by a licensed health care professional not licensed under this Act shall not be valid under the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act. No business shall provide, attempt to provide, or offer to provide sex offender evaluation services unless it is organized under the Professional Service Corporation Act, the Medical Corporation Act, or the Professional Limited Liability Company Act.

(b) Nothing in this Act shall be construed to require any licensed physician, advanced practice registered nurse, physician assistant, or other health care professional to be licensed under this Act for the provision of services for which the person is otherwise licensed. This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which the person ~~he or she~~ is licensed. This Act only applies to the provision of sex offender evaluations or sex offender treatment provided for the purposes of complying with the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act.

(Source: P.A. 99-227, eff. 8-3-15; 100-513, eff. 1-1-18.)

(225 ILCS 109/45)

Sec. 45. License renewal; restoration.

(a) The expiration date and renewal period for a license issued under this Act shall be set by rule. The holder of a license under this Act may renew that license during the 90-day ~~90-day~~ period immediately preceding the expiration date upon payment of the required renewal fees and demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

(b) A licensee who has permitted the licensee's ~~his or her~~ license to expire or who has had the licensee's ~~his or her~~ license on inactive status may have the ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department, as defined by rule, of the licensee's ~~his or her~~ fitness to have the ~~his or her~~ license restored, including evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

(c) A licensee whose license expired while the licensee ~~he or she~~ was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the ~~his or her~~ license renewed or restored without paying any lapsed renewal fees if within 2 years after honorable termination of service, training or education, the licensee ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the licensee ~~he or she~~ has been so engaged and that the licensee's ~~his or her~~ service, training or education has been terminated.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/50)

Sec. 50. Inactive status.

(a) A licensee who notifies the Department in writing on forms prescribed by the Department may elect to place the licensee's ~~his or her~~ license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the licensee ~~he or she~~ notifies the Department in writing of the licensee's ~~his or her~~ intent to restore the ~~his or her~~ license.

(b) A licensee requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the ~~his or her~~ license as provided in Section 45 of this Act.

(c) A licensee whose license is in an inactive status shall not practice in the State of Illinois.

(d) A licensee who provides sex offender evaluation or treatment services while the licensee's ~~his or her~~ license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under this Act.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/65)

Sec. 65. Payments; penalty for insufficient funds. A person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If after the expiration of 30 days from the date of the notification the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application without hearing. If after termination or denial the person seeks a license, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing the application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/75)

Sec. 75. Refusal, revocation, or suspension.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action, as the Department considers appropriate, including the imposition of fines not to exceed $10,000 for each violation, with regard to any license or licensee for any one or more of the following:

(1) violations of this Act or of the rules adopted under this Act;

(2) discipline by the Department under other state law and rules which the licensee is subject to;

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

(4) professional incompetence;

(5) advertising in a false, deceptive, or misleading manner;

(6) aiding, abetting, assisting, procuring, advising, employing, or contracting with any unlicensed person to provide sex offender evaluation or treatment services contrary to any rules or provisions of this Act;

(7) engaging in immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice;

(8) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(9) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that the licensee ~~he or she~~ is not competent to perform;

(10) knowingly delegating professional responsibilities to a person unqualified by training, experience, or licensure to perform;

(11) failing to provide information in response to a written request made by the Department within 60 days;

(12) having a habitual or excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;

(13) having a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act;

(14) discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(15) a finding by the Department that the licensee, after having the licensee's ~~his or her~~ license placed on probationary status, has violated the terms of probation;

(16) willfully making or filing false records or reports in the licensee's ~~his or her~~ practice, including, but not limited to, false records filed with State agencies or departments;

(17) making a material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;

(18) fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act;

(19) inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, or a mental illness or disability;

(20) charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered; or

(21) practicing under a false or, except as provided by law, an assumed name.

All fines shall be paid within 60 days of the effective date of the order imposing the fine.

(b) The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, to pay the tax, penalty, or interest shown in a filed tax return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(c) (Blank).

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

(e) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient.

(f) In enforcing this Act, the Department or Board, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physician shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

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

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the

subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

(Source: P.A. 100-872, eff. 8-14-18; 101-81, eff. 7-12-19.)

(225 ILCS 109/85)

Sec. 85. Violations; injunctions; cease and desist order.

(a) If a person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person engages in sex offender evaluation or treatment or holds oneself ~~himself or herself~~ out as licensee without having a valid license under this Act, then any licensee, any interested party or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department a person has violated any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person ~~him or her~~. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/90)

Sec. 90. Unlicensed practice; violation; civil penalty.

(a) A person who holds oneself ~~himself or herself~~ out to practice as a licensee without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions of this Act regarding a hearing for the discipline of a licensee.

(b) The Department may investigate any and all unlicensed activity.

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

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/95)

Sec. 95. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any person or persons holding or claiming to hold a license. Before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days before the date set for the hearing, the Department shall (i) notify the accused in writing of any charges made and the time and place for a hearing on the charges before the Department ~~Board~~, (ii) direct the accused ~~him or her~~ to file a written answer to the charges with the Department ~~Board~~ under oath within 20 days after the service on the accused ~~him or her~~ of the notice, and (iii) inform the accused ~~him or her~~ that if the accused ~~he or she~~ fails to file an answer, default will be taken against the accused ~~him or her~~ and the accused's ~~his or her~~ license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action is deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. Written notice may be served by ~~personal delivery or by registered or certified~~ mail to the applicant or licensee at the applicant's or licensee's ~~his or her~~ last address of record with the Department.

In case the person fails to file an answer after receiving notice, the person's ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action is deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written answer shall be served by personal delivery, certified delivery, or certified or registered mail to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue the hearing from time to time. At the discretion of the Secretary after having first received the recommendation of the hearing officer ~~Board~~, the accused person's license may be suspended or revoked, if the evidence constitutes sufficient grounds for that action under this Act.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/100)

Sec. 100. Record of proceeding. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer ~~Board~~ and orders of the Department shall be in the record of the proceedings. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/105)

Sec. 105. Subpoenas; oaths; attendance of witnesses. The Department has the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary and ~~,~~ the designated hearing officer have the ~~, and every member of the Board has~~ power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department. A circuit court may, upon application of the Department or its designee, or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/110)

Sec. 110. Recommendations for disciplinary action. At the conclusion of the hearing, the hearing officer ~~Board~~ shall present to the Secretary a written report of the hearing officer's ~~its~~ findings and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The hearing officer ~~Board~~ shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.

The report of findings and recommendations of the hearing officer ~~Board~~ shall be the basis for the Department's order for refusal or for the granting of a license, or for any disciplinary action, unless the Secretary shall determine that the hearing officer's ~~Board's~~ report is contrary to the manifest weight of the evidence, in which case the Secretary may issue an order in contravention of the hearing officer's ~~Board's~~ report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/115)

Sec. 115. Rehearing. In a hearing involving disciplinary action against a licensee, a copy of the hearing officer's ~~Board's~~ report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after service, the respondent may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial, the Secretary may enter an order in accordance with recommendations of the hearing officer ~~Board~~, except as provided in this Act. If the respondent orders from the reporting service, and pays for, a transcript of the record within the

time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/125)

Sec. 125. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license, or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the ~~his or her~~ findings and recommendations to ~~the Board and~~ the Secretary. In the hearing officer's report, the hearing officer shall make a finding of whether or not the charged licensee or applicant violated a provision of this Act or any rules adopted under this Act. Upon presenting the report to the Secretary, the Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees with the report of the hearing officer, the Secretary may issue an order in contravention of the hearing officer's report. The finding by the hearing officer shall not be admissible in evidence against the person in a criminal prosecution brought for a violation of this Act nor shall a finding by the hearing officer be a bar to a criminal prosecution brought for a violation of this Act. ~~The Board has 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 calendar day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after receipt of the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after that order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of the order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30 day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary.~~ Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other hearing officer. If the Secretary disagrees with the recommendation of the ~~Board or the~~ hearing officer, the Secretary may issue an order in contravention of the recommendation.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/130)

Sec. 130. Order; certified copy. An order or a certified copy of the order, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

(a) that the signature is the genuine signature of the Secretary;

(b) that the Secretary is duly appointed and qualified; and

(c) (blank). ~~that the Board and its members are qualified to act.~~

(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/135)

Sec. 135. Restoration. At any time after the suspension or revocation of a license, the Department may restore the license to the accused person, upon the filing of an application, the filing of proof of fitness acceptable to the Department, and the payment of the required restoration fee ~~written recommendation of the Board~~, unless after an investigation and a hearing the Department ~~Board~~ determines that restoration is not in the public interest.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/145)

Sec. 145. Summary suspension. The Secretary may summarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary finds that evidence in the Secretary's ~~his or her~~ possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of a licensee without a hearing, a hearing ~~by the Board~~ must be held within 30 calendar days after the suspension has occurred.
(Source: P.A. 97-1098, eff. 7-1-13.)

(225 ILCS 109/70 rep.)

Section 50. The Sex Offender Evaluation and Treatment Provider Act is amended by repealing Section 70.

Section 55. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by changing Section 3D-5 as follows:

(225 ILCS 410/3D-5)

(Section scheduled to be repealed on January 1, 2031)

Sec. 3D-5. Requisites for ownership or operation of cosmetology, esthetics, hair braiding, and nail technology salons and barber shops.

(a) No person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation shall own or operate a cosmetology, esthetics, hair braiding, or nail technology salon or barber shop or employ, rent space to, or independently contract with any licensee under this Act without applying on forms provided by the Department for a certificate of registration. This registration shall be in addition to and shall not replace or supersede any other business license, registration, or permit that may be required by local municipalities or other governmental entities to own or operate a business in the governmental entity's jurisdiction. The issuance of a license, registration, or permit by a municipality or another governmental entity to a salon or shop shall not waive the requirement to obtain a certificate of registration from the Department to own or operate a salon or shop.

(b) The application for a certificate of registration under this Section shall set forth the name, address, and telephone number of the proposed cosmetology, esthetics, hair braiding, or nail technology salon or barber shop; the name, address, and telephone number of the person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation that is to own or operate the salon or shop; the license number of the owner or operator of the shop if they are licensed under the Act or the name and license number of the individual manager of the salon or shop; and, if the salon or shop is to be owned or operated by an entity other than an individual, the name, address, and telephone number of the managing partner or the chief executive officer of the corporation or other entity that owns or operates the salon or shop. A person who is not licensed under the Act may own or operate a salon or shop, but may not practice barbering, cosmetology, esthetics, hair braiding, or nail technology. An unlicensed owner or operator of a salon or shop shall employ at least one person as a manager who holds a license under the Act and manages the salon or shop. The licensed owner, operator, or manager of a salon or shop shall ensure that the salon or shop operates in compliance with this Act and any applicable rules, and the owner's, operator's, or manager's name and license number shall be posted with the certificate of registration at the salon or shop.

(c) The Department shall be notified by the owner or operator of a salon or shop that is moved to a new location. If there is a change in the ownership or operation or manager of a salon or shop, the new owner, operator, or manager shall report that change to the Department along with completion of any additional requirements set forth by rule.

(d) If a person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation owns or operates more than one shop or salon, a separate certificate of registration must be obtained for each salon or shop.

(e) A certificate of registration granted under this Section may be revoked in accordance with the provisions of Article IV and the holder of the certificate and any licensed managers may be otherwise disciplined by the Department in accordance with rules adopted under this Act.

(f) The Department may promulgate rules to establish additional requirements for owning or operating a salon or shop.

(g) The requirement of a certificate of registration as set forth in this Section shall also apply to any person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation providing barbering, cosmetology, esthetics, hair braiding, or nail technology services at any location not owned or rented by such person, firm, partnership, limited liability company, professional limited liability company, corporation, or professional service corporation for these purposes or from a mobile shop or salon. Notwithstanding any provision of this Section, applicants for a certificate of registration under this subsection (g) shall report in its application the address and telephone number of its office and shall not be required to report the location where services are or will be rendered.

Nothing in this subsection (g) shall apply to a sole proprietor who has no employees or contractors and is not operating a mobile shop or salon.

(h) Nothing in this Act shall prohibit the use of the terms "electrology", "electrologist", "massage", "massage therapy", or "massage therapist" by a salon or shop registered under this Act as long as the salon or shop offers electrology services in accordance with the Electrologist Licensing Act or massage therapy services in accordance with the Massage Therapy Practice Act.

(Source: P.A. 104-153, eff. 1-1-26.)

Section 60. The Electrologist Licensing Act is amended by changing Section 20 as follows:

(225 ILCS 412/20)

(Section scheduled to be repealed on January 1, 2029)

Sec. 20. Exemptions. This Act does not prohibit:

(1) A person licensed in this State under any other Act from engaging in the practice for which that person is licensed.

(2) The practice of electrology by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.

(3) The practice of electrology included in a program of study by students enrolled in schools or in refresher courses approved by the Department.

Nothing in this Act shall be construed to prevent a person who is licensed under this Act and functioning as an assistant to a person who is licensed to practice medicine in all of its branches from providing delegated services. Such delegated services may not be performed by a person while holding himself or herself out as an electrologist or in any manner that indicates that the services are part of the practice of electrology.

Nothing in this Act shall prohibit the use of the terms "electrology" or "electrologist" by a salon or shop registered under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 as long as the salon offers electrology services in accordance with this Act.

(Source: P.A. 96-569, eff. 8-18-09.)

Section 65. The Professional Service Corporation Act is amended by changing Section 3.6 as follows:

(805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

Sec. 3.6. "Related professions" and "related professional services" mean more than one personal service which requires as a condition precedent to the rendering thereof the obtaining of a license and which prior to October 1, 1973 could not be performed by a corporation by reason of law; provided, however, that these terms shall be restricted to:

(1) a combination of 2 or more of the following personal services: (a) "architecture" as defined in Section 5 of the Illinois Architecture Practice Act of 1989, (b) "professional engineering" as defined in Section 4 of the Professional Engineering Practice Act of 1989, (c) "structural engineering" as defined in Section 5 of the Structural Engineering Practice Act of 1989, (d) "land surveying" as defined in Section 2 of the Illinois Professional Land Surveyor Act of 1989;

(2) a combination of the following personal services: (a) the practice of medicine by persons licensed under the Medical Practice Act of 1987, (b) the practice of podiatry as defined in the Podiatric Medical Practice Act of 1987, (c) the practice of dentistry as defined in the Illinois Dental Practice Act, (d) the practice of optometry as defined in the Illinois Optometric Practice Act of 1987;

(3) a combination of 2 or more of the following personal services: (a) the practice of clinical psychology by persons licensed under the Clinical Psychologist Licensing Act, (b) the practice of social work or clinical social work by persons licensed under the Clinical Social Work and Social Work Practice Act, (c) the practice of marriage and family therapy by persons licensed under the Marriage and Family Therapy Licensing Act, (d) the practice of professional counseling or clinical professional counseling by persons licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, or (e) the practice of sex offender evaluations by persons licensed under the Sex Offender Evaluation and Treatment Provider Act; ~~or~~

(4) a combination of 2 or more of the following personal services: (a) the practice of acupuncture by persons licensed under the Acupuncture Practice Act, (b) the practice of massage by persons licensed under the Massage Therapy Practice Act, (c) the practice of naprapathy by persons licensed under the Naprapathic Practice Act, (d) the practice of occupational therapy by persons licensed under the Illinois Occupational Therapy Practice Act, (e) the practice of physical therapy by

persons licensed under the Illinois Physical Therapy Act, or (f) the practice of speech-language therapy by persons licensed under the Illinois Speech-Language Pathology and Audiology Practice Act; or.

(5) a combination of 2 or more of the following personal services: (a) services provided by persons licensed under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, (b) the practice of massage therapy by persons licensed under the Massage Therapy Practice Act, or (c) the practice of electrology by persons licensed under the Electrologist Licensing Act.

(Source: P.A. 101-95, eff. 7-19-19; 102-20, eff. 1-1-22.)

Section 70. The Professional Limited Liability Company Act is amended by changing Section 13 as follows:

(805 ILCS 185/13)

Sec. 13. Nature of business.

(a) A professional limited liability company may be formed to provide a professional service or services licensed by the Department except:

(1) the practice of dentistry unless all the members and managers are licensed as dentists under the Illinois Dental Practice Act;

(2) the practice of medicine unless all the managers, if any, are licensed to practice medicine under the Medical Practice Act of 1987 and each member is either:

(A) licensed to practice medicine under the Medical Practice Act of 1987;

(B) a registered medical corporation or corporations organized pursuant to the Medical Corporation Act;

(C) a professional corporation organized pursuant to the Professional Service Corporation Act of physicians licensed to practice under the Medical Practice Act of 1987;

(D) a hospital or hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act; or

(E) a professional limited liability company that satisfies the requirements of subparagraph (A), (B), (C), or (D);

(3) the practice of real estate unless all the members and managers, if any, that actively participate in the real estate activities of the professional limited liability company are licensed to practice as a managing broker or broker pursuant to the Real Estate License Act of 2000. All nonparticipating members or managers shall submit affidavits of nonparticipation as required by the Department and the Real Estate License Act of 2000;

(4) the practice of clinical psychology unless all the managers and members are licensed to practice as a clinical psychologist under the Clinical Psychologist Licensing Act;

(5) the practice of social work unless all the managers and members are licensed to practice as a clinical social worker or social worker under the Clinical Social Work and Social Work Practice Act;

(6) the practice of marriage and family therapy unless all the managers and members are licensed to practice as a marriage and family therapist under the Marriage and Family Therapy Licensing Act;

(7) the practice of professional counseling unless all the managers and members are licensed to practice as a clinical professional counselor or a professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;

(8) the practice of sex offender evaluation and treatment unless all the managers and members are licensed to practice as a sex offender evaluator or sex offender treatment provider under the Sex Offender Evaluation and Treatment Provider Act; or

(9) the practice of veterinary medicine unless all the managers and members are licensed to practice as a veterinarian under the Veterinary Medicine and Surgery Practice Act of 2004.

(b) Notwithstanding any provision of this Section, any of the following professional services may be combined and offered within a single professional limited liability company provided that each professional service is offered only by persons licensed to provide that professional service and all managers and members are licensed in at least one of the professional services offered by the professional limited liability company:

(1) the practice of medicine by physicians licensed under the Medical Practice Act of 1987, the practice of podiatry by podiatric physicians licensed under the Podiatric Medical Practice Act of 1987,

the practice of dentistry by dentists licensed under the Illinois Dental Practice Act, and the practice of optometry by optometrists licensed under the Illinois Optometric Practice Act of 1987;

(2) the practice of clinical psychology by clinical psychologists licensed under the Clinical Psychologist Licensing Act, the practice of social work by clinical social workers or social workers licensed under the Clinical Social Work and Social Work Practice Act, the practice of marriage and family counseling by marriage and family therapists licensed under the Marriage and Family Therapy Licensing Act, the practice of professional counseling by professional counselors and clinical professional counselors licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, and the practice of sex offender evaluation and treatment by sex offender evaluators and sex offender treatment providers licensed under the Sex Offender Evaluation and Treatment Provider Act;

(3) the practice of architecture by persons licensed under the Illinois Architecture Practice Act of 1989, the practice of professional engineering by persons licensed under the Professional Engineering Practice Act of 1989, the practice of structural engineering by persons licensed under the Structural Engineering Practice Act of 1989, and the practice of land surveying by persons licensed under the Illinois Professional Land Surveyor Act of 1989; ~~or~~

(4) the practice of acupuncture by persons licensed under the Acupuncture Practice Act, the practice of massage by persons licensed under the Massage Licensing Act, the practice of naprapathy by persons licensed under the Naprapathic Practice Act, the practice of occupational therapy by persons licensed under the Illinois Occupational Therapy Practice Act, the practice of physical therapy by persons licensed under the Illinois Physical Therapy Act, and the practice of speech-language pathology by persons licensed under the Illinois Speech-Language Pathology and Audiology Practice Act; or~~.~~

(5) services provided by persons licensed under the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985, the practice of massage therapy by persons licensed under the Massage Therapy Practice Act, and the practice of electrology by persons licensed under the Electrologist Licensing Act.

(Source: P.A. 102-970, eff. 5-27-22.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Porfirio, **Senate Bill No. 3644** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 3644

AMENDMENT NO. 2 . Amend Senate Bill 3644 by replacing everything after the enacting clause with the following:

"Section 5. The Rooftop Safety for First Responders Act is amended by changing Section 15 as follows:

(430 ILCS 180/15)

Sec. 15. Survey.

(a) No later than January 1, 2027, and every 2 years thereafter, each municipality with a population of 500,000 or more inhabitants shall complete a survey of buildings in its jurisdiction that have skylights and other openings located in the plane of a low-sloped roof.

(a-5) No later than January 1, 2027, and every 2 years thereafter, each municipality with a population of fewer than 500,000 inhabitants shall complete a survey of new buildings in its jurisdiction that have skylights and other openings located in the plane of a low-sloped roof.

(a-10) Within one year after the effective date of this amendatory Act of the 104th General Assembly, each municipality with a population of fewer than 500,000 inhabitants shall develop a methodology to collect data regarding the presence of skylights and other openings in the plane of low-sloped roofs of existing buildings by examining building permits for new renovation projects or collecting information during required inspections of existing buildings.

(b) The results of the survey shall be reported in a building inventory that shall be shared with local police departments and local fire departments.

(c) In counties with a population greater than 1,000,000, the results of the survey shall be shared with local police departments and local fire departments and shall be stored in all computer-aided dispatch systems.

(Source: P.A. 104-121, eff. 1-1-26.)".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Villanueva, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 3935** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Harriss, **Senate Bill No. 3951** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 3951

AMENDMENT NO. 2 . Amend Senate Bill 3951 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by adding Section 9-133 as follows:

(605 ILCS 5/9-133 new)

Sec. 9-133. Pavement markings near fire hydrants and water supplies. A unit of local government may apply and maintain blue pavement markings on any highway, street, or road to mark the location of a fire hydrant or water supply near the side of the highway, street, or road. Blue pavement markings used for this purpose shall consist of a 4-inch square. A unit of local government shall not place or maintain blue pavement markings on a highway unless the unit of local government first obtains an encroachment permit from the agency having jurisdiction over the highway.

This Section does not apply to freeways or freeway ramps.".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Murphy, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 4025** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 2735** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 2837** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2837

AMENDMENT NO. 1 . Amend Senate Bill 2837 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 22-30 as follows:

(105 ILCS 5/22-30)

Sec. 22-30. Self-administration and self-carry of asthma medication and epinephrine injectors; administration of undesignated epinephrine injectors; administration of an opioid antagonist; administration of undesignated asthma medication; supply of undesignated oxygen tanks; asthma episode emergency response protocol.

(a) For the purpose of this Section only, the following terms shall have the meanings set forth below:

"Asthma action plan" means a written plan developed with a pupil's medical provider to help control the pupil's asthma. The goal of an asthma action plan is to reduce or prevent flare-ups and emergency department visits through day-to-day management and to serve as a student-specific document to be referenced in the event of an asthma episode.

"Asthma episode emergency response protocol" means a procedure to provide assistance to a pupil experiencing symptoms of wheezing, coughing, shortness of breath, chest tightness, or breathing difficulty.

"Epinephrine injector" includes an auto-injector approved by the United States Food and Drug Administration for the administration of epinephrine and a pre-filled syringe approved by the United States Food and Drug Administration and used for the administration of epinephrine that contains a pre-measured dose of epinephrine that is equivalent to the dosages used in an auto-injector.

"Asthma medication" means quick-relief asthma medication, including albuterol or other short-acting bronchodilators, that is approved by the United States Food and Drug Administration for the treatment of respiratory distress. "Asthma medication" includes medication delivered through a device, including a metered dose inhaler with a reusable or disposable spacer or a nebulizer with a mouthpiece or mask.

"Athletic trainer" means a licensed athletic trainer hired by or contracted by a school district to aid a school in the prevention, examination, diagnosis, treatment, emergency care, and rehabilitation of injuries.

"Coach" means a volunteer or employee of a school who is responsible for organizing and supervising students to teach or train them in the fundamental skills of an interscholastic athletic activity. "Coach" refers to both a head coach and an assistant coach.

"Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

"Respiratory distress" means the perceived or actual presence of wheezing, coughing, shortness of breath, chest tightness, breathing difficulty, or any other symptoms consistent with asthma. Respiratory distress may be categorized as "mild-to-moderate" or "severe".

"School nurse" means a registered nurse working in a school with or without licensure endorsed in school nursing.

"Self-administration" means a pupil's discretionary use of his or her prescribed asthma medication or epinephrine injector.

"Self-carry" means a pupil's ability to carry his or her prescribed asthma medication or epinephrine injector.

"Standing protocol" may be issued by (i) a physician licensed to practice medicine in all its branches, (ii) a licensed physician assistant with prescriptive authority, or (iii) a licensed advanced practice registered nurse with prescriptive authority.

"Trained personnel" means any school employee, coach, athletic trainer, or volunteer personnel authorized in Sections 10-22.34, 10-22.34a, and 10-22.34b of this Code who has completed training under subsection (g) of this Section to recognize and respond to anaphylaxis, an opioid overdose, or respiratory distress.

"Undesignated asthma medication" means asthma medication prescribed in the name of a school district, public school, charter school, or nonpublic school.

"Undesignated epinephrine injector" means an epinephrine injector prescribed in the name of a school district, public school, charter school, or nonpublic school.

(b) A school, whether public, charter, or nonpublic, must permit the self-administration and self-carry of asthma medication by a pupil with asthma or the self-administration and self-carry of an epinephrine injector by a pupil, provided that:

(1) the parents or guardians of the pupil provide to the school (i) written authorization from the parents or guardians for (A) the self-administration and self-carry of asthma medication or (B) the self-carry of asthma medication or (ii) for (A) the self-administration and self-carry of an epinephrine injector or (B) the self-carry of an epinephrine injector, written authorization from the pupil's physician, physician assistant, or advanced practice registered nurse; and

(2) the parents or guardians of the pupil provide to the school (i) the prescription label, which must contain the name of the asthma medication, the prescribed dosage, and the time at which or circumstances under which the asthma medication is to be administered, or (ii) for the self-administration or self-carry of an epinephrine injector, a written statement from the pupil's physician, physician assistant, or advanced practice registered nurse containing the following information:

(A) the name and purpose of the epinephrine injector;

(B) the prescribed dosage; and

(C) the time or times at which or the special circumstances under which the epinephrine injector is to be administered.

The information provided shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(b-5) A school district, public school, charter school, or nonpublic school may authorize the provision of a student-specific or undesignated epinephrine injector to a student or any personnel authorized under a student's Individual Health Care Action Plan, allergy emergency action plan, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer an epinephrine injector to the student, that meets the student's prescription on file.

(b-10) The school district, public school, charter school, or nonpublic school may authorize a school nurse or trained personnel to do the following: (i) provide an undesignated epinephrine injector to a student for self-administration only or any personnel authorized under a student's Individual Health Care Action Plan, allergy emergency action plan, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or individualized education program plan to administer to the student that meets the student's prescription on file; (ii) administer an undesignated epinephrine injector that meets the prescription on file to any student who has an Individual Health Care Action Plan, allergy emergency action plan, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or individualized education program plan that authorizes the use of an epinephrine injector; (iii) administer an undesignated epinephrine injector to any person that the school nurse or trained personnel in good faith believes is having an anaphylactic reaction; (iv) administer an opioid antagonist to any person that the school nurse or trained personnel in good faith believes is having an opioid overdose; (v) provide undesignated asthma medication to a student for self-administration only or to any personnel authorized under a student's Individual Health Care Action Plan or asthma action plan, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or individualized education program plan to administer to the student that meets the student's prescription on file; (vi) administer undesignated asthma medication that meets the prescription on file to any student who has an Individual Health Care Action Plan or asthma action plan, plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, or individualized education program plan that authorizes the use of asthma medication; and (vii) administer undesignated asthma medication to any person that the school nurse or trained personnel believes in good faith is having respiratory distress.

(c) The school district, public school, charter school, or nonpublic school must inform the parents or guardians of the pupil, in writing, that the school district, public school, charter school, or nonpublic school and its employees and agents, including a physician, physician assistant, or advanced practice registered nurse providing standing protocol and a prescription for school epinephrine injectors, an opioid antagonist, or undesignated asthma medication, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the administration of asthma medication, an epinephrine injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice registered nurse. The parents or guardians of the pupil must sign a statement acknowledging that the school district, public school, charter school, or nonpublic school and its employees and agents are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the administration of asthma medication, an epinephrine injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice registered nurse and that the parents or guardians must indemnify and hold harmless the school district, public school, charter school, or nonpublic school and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the administration of asthma medication, an epinephrine injector, or an opioid antagonist regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice registered nurse.

(c-5) When a school nurse or trained personnel administers an undesignated epinephrine injector to a person whom the school nurse or trained personnel in good faith believes is having an anaphylactic reaction, administers an opioid antagonist to a person whom the school nurse or trained personnel in good faith believes is having an opioid overdose, or administers undesignated asthma medication to a person whom the school nurse or trained personnel in good faith believes is having respiratory distress, notwithstanding the lack of notice to the parents or guardians of the pupil or the absence of the parents or guardians signed statement acknowledging no liability, except for willful and wanton conduct, the school district, public school, charter school, or nonpublic school and its employees and agents, and a physician, a physician assistant, or an advanced practice registered nurse providing standing protocol and a prescription for undesignated epinephrine injectors, an opioid antagonist, or undesignated asthma medication, are to incur no liability or professional discipline, except for willful and wanton conduct, as a result of any injury arising from the use of an undesignated epinephrine injector, the use of an opioid antagonist, or the use of undesignated asthma medication, regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician, physician assistant, or advanced practice registered nurse.

(d) The permission for self-administration and self-carry of asthma medication or the self-administration and self-carry of an epinephrine injector is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this Section.

(e) Provided that the requirements of this Section are fulfilled, a pupil with asthma may self-administer and self-carry his or her asthma medication or a pupil may self-administer and self-carry an epinephrine injector (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property or while being transported on a school bus.

(e-5) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an undesignated epinephrine injector to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property or while being transported on a school bus. A school nurse or trained personnel may carry undesignated epinephrine injectors on his or her person while in school or at a school-sponsored activity.

(e-10) Provided that the requirements of this Section are fulfilled, a school nurse or trained personnel may administer an opioid antagonist to any person whom the school nurse or trained personnel in good faith believes to be having an opioid overdose (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property. A school nurse or trained personnel may carry an opioid antagonist on his or her person while in school or at a school-sponsored activity.

(e-15) If the requirements of this Section are met, a school nurse or trained personnel may administer undesignated asthma medication to any person whom the school nurse or trained personnel in good faith believes to be experiencing respiratory distress (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, including before-school or after-school care on school-operated property. A school nurse or trained personnel may carry undesignated asthma medication on his or her person while in school or at a school-sponsored activity.

(f) The school district, public school, charter school, or nonpublic school may maintain a supply of undesignated epinephrine injectors in any secure location that is accessible before, during, and after school where an allergic person is most at risk, including, but not limited to, classrooms and lunchrooms. A physician, a physician assistant who has prescriptive authority in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice registered nurse who has prescriptive authority in accordance with Section 65-40 of the Nurse Practice Act may prescribe undesignated epinephrine injectors in the name of the school district, public school, charter school, or nonpublic school to be maintained for use when necessary. Any supply of epinephrine injectors shall be maintained in accordance with the manufacturer's instructions.

The school district, public school, charter school, or nonpublic school shall maintain a supply of an opioid antagonist in any secure location where an individual may have an opioid overdose, unless there is a shortage of opioid antagonists, in which case the school district, public school, charter school, or nonpublic school shall make a reasonable effort to maintain a supply of an opioid antagonist. Unless the school district,

public school, charter school, or nonpublic school is able to obtain opioid antagonists without a prescription, a health care professional who has been delegated prescriptive authority for opioid antagonists in accordance with Section 5-23 of the Substance Use Disorder Act shall prescribe opioid antagonists in the name of the school district, public school, charter school, or nonpublic school, to be maintained for use when necessary. Any supply of opioid antagonists shall be maintained in accordance with the manufacturer's instructions.

The school district, public school, charter school, or nonpublic school may maintain a supply of asthma medication in any secure location that is accessible before, during, or after school where a person is most at risk, including, but not limited to, a classroom, ~~or~~ the nurse's office, or a practice field or gym. A physician, a physician assistant who has prescriptive authority under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice registered nurse who has prescriptive authority under Section 65-40 of the Nurse Practice Act may prescribe undesignated asthma medication in the name of the school district, public school, charter school, or nonpublic school to be maintained for use when necessary. Any supply of undesignated asthma medication must be maintained in accordance with the manufacturer's instructions.

A school district that provides special educational facilities for children with disabilities under Section 14-4.01 of this Code may maintain a supply of undesignated oxygen tanks in any secure location that is accessible before, during, and after school where a person with developmental disabilities is most at risk, including, but not limited to, classrooms and lunchrooms. A physician, a physician assistant who has prescriptive authority in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice registered nurse who has prescriptive authority in accordance with Section 65-40 of the Nurse Practice Act may prescribe undesignated oxygen tanks in the name of the school district that provides special educational facilities for children with disabilities under Section 14-4.01 of this Code to be maintained for use when necessary. Any supply of oxygen tanks shall be maintained in accordance with the manufacturer's instructions and with the local fire department's rules.

(f-3) Whichever entity initiates the process of obtaining undesignated epinephrine injectors and providing training to personnel for carrying and administering undesignated epinephrine injectors shall pay for the costs of the undesignated epinephrine injectors.

(f-5) Upon any administration of an epinephrine injector, a school district, public school, charter school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

Upon any administration of an opioid antagonist, a school district, public school, charter school, or nonpublic school must immediately activate the EMS system and notify the student's parent, guardian, or emergency contact, if known.

(f-10) Within 24 hours of the administration of an undesignated epinephrine injector, a school district, public school, charter school, or nonpublic school must notify the physician, physician assistant, or advanced practice registered nurse who provided the standing protocol and a prescription for the undesignated epinephrine injector of its use.

Within 24 hours after the administration of an opioid antagonist, a school district, public school, charter school, or nonpublic school must notify the health care professional who provided the prescription for the opioid antagonist of its use.

Within 24 hours after the administration of undesignated asthma medication, a school district, public school, charter school, or nonpublic school must notify the student's parent or guardian or emergency contact, if known, and the physician, physician assistant, or advanced practice registered nurse who provided the standing protocol and a prescription for the undesignated asthma medication of its use. The district or school must follow up with the school nurse, if available, and may, with the consent of the child's parent or guardian, notify the child's health care provider of record, as determined under this Section, of its use.

(g) Prior to the administration of an undesignated epinephrine injector, trained personnel must submit to the school's administration proof of completion of a training curriculum to recognize and respond to anaphylaxis that meets the requirements of subsection (h) of this Section. Training must be completed annually. The school district, public school, charter school, or nonpublic school must maintain records related to the training curriculum and trained personnel.

Prior to the administration of an opioid antagonist, trained personnel must submit to the school's administration proof of completion of a training curriculum to recognize and respond to an opioid overdose, which curriculum must meet the requirements of subsection (h-5) of this Section. The school district, public

school, charter school, or nonpublic school must maintain records relating to the training curriculum and the trained personnel.

Prior to the administration of undesignated asthma medication, trained personnel must submit to the school's administration proof of completion of a training curriculum to recognize and respond to respiratory distress, which must meet the requirements of subsection (h-10) of this Section. Training must be completed annually, and the school district, public school, charter school, or nonpublic school must maintain records relating to the training curriculum and the trained personnel.

(h) A training curriculum to recognize and respond to anaphylaxis, including the administration of an undesignated epinephrine injector, may be conducted online or in person.

Training shall include, but is not limited to:

(1) how to recognize signs and symptoms of an allergic reaction, including anaphylaxis;

(2) how to administer an epinephrine injector; and

(3) a test demonstrating competency of the knowledge required to recognize anaphylaxis and administer an epinephrine injector.

Training may also include, but is not limited to:

(A) a review of high-risk areas within a school and its related facilities;

(B) steps to take to prevent exposure to allergens;

(C) emergency follow-up procedures, including the importance of calling 9-1-1 or, if 9-1-1 is not available, other local emergency medical services;

(D) how to respond to a student with a known allergy, as well as a student with a previously unknown allergy;

(E) other criteria as determined in rules adopted pursuant to this Section; and

(F) any policy developed by the State Board of Education under Section 2-3.190.

In consultation with statewide professional organizations representing physicians licensed to practice medicine in all of its branches, registered nurses, and school nurses, the State Board of Education shall make available resource materials consistent with criteria in this subsection (h) for educating trained personnel to recognize and respond to anaphylaxis. The State Board may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by medical experts and other groups that work on life-threatening allergy issues. The State Board is not required to create new resource materials. The State Board shall make these resource materials available on its Internet website.

(h-5) A training curriculum to recognize and respond to an opioid overdose, including the administration of an opioid antagonist, may be conducted online or in person. The training must comply with any training requirements under Section 5-23 of the Substance Use Disorder Act and the corresponding rules. It must include, but is not limited to:

(1) how to recognize symptoms of an opioid overdose;

(2) information on drug overdose prevention and recognition;

(3) how to perform rescue breathing and resuscitation;

(4) how to respond to an emergency involving an opioid overdose;

(5) opioid antagonist dosage and administration;

(6) the importance of calling 9-1-1 or, if 9-1-1 is not available, other local emergency medical services;

(7) care for the overdose victim after administration of the overdose antagonist;

(8) a test demonstrating competency of the knowledge required to recognize an opioid overdose and administer a dose of an opioid antagonist; and

(9) other criteria as determined in rules adopted pursuant to this Section.

(h-10) A training curriculum to recognize and respond to respiratory distress, including the administration of undesignated asthma medication, may be conducted online or in person. The training must include, but is not limited to:

(1) how to recognize symptoms of respiratory distress and how to distinguish respiratory distress from anaphylaxis;

(2) how to respond to an emergency involving respiratory distress;

(3) asthma medication dosage and administration;

(4) the importance of calling 9-1-1 or, if 9-1-1 is not available, other local emergency medical services;

(5) a test demonstrating competency of the knowledge required to recognize respiratory distress and administer asthma medication; and

(6) other criteria as determined in rules adopted under this Section.

(i) Within 3 days after the administration of an undesignated epinephrine injector by a school nurse, trained personnel, or a student at a school or school-sponsored activity, the school must report to the State Board of Education in a form and manner prescribed by the State Board the following information:

(1) age and type of person receiving epinephrine (student, staff, visitor);

(2) any previously known diagnosis of a severe allergy;

(3) trigger that precipitated allergic episode;

(4) location where symptoms developed;

(5) number of doses administered;

(6) type of person administering epinephrine (school nurse, trained personnel, student); and

(7) any other information required by the State Board.

If a school district, public school, charter school, or nonpublic school maintains or has an independent contractor providing transportation to students who maintains a supply of undesignated epinephrine injectors, then the school district, public school, charter school, or nonpublic school must report that information to the State Board of Education upon adoption or change of the policy of the school district, public school, charter school, nonpublic school, or independent contractor, in a manner as prescribed by the State Board. The report must include the number of undesignated epinephrine injectors in supply.

(i-5) Within 3 days after the administration of an opioid antagonist by a school nurse or trained personnel, the school must report to the State Board of Education, in a form and manner prescribed by the State Board, the following information:

(1) the age and type of person receiving the opioid antagonist (student, staff, or visitor);

(2) the location where symptoms developed;

(3) the type of person administering the opioid antagonist (school nurse or trained personnel); and

(4) any other information required by the State Board.

(i-10) Within 3 days after the administration of undesignated asthma medication by a school nurse, trained personnel, or a student at a school or school-sponsored activity, the school must report to the State Board of Education, on a form and in a manner prescribed by the State Board of Education, the following information:

(1) the age and type of person receiving the asthma medication (student, staff, or visitor);

(2) any previously known diagnosis of asthma for the person;

(3) the trigger that precipitated respiratory distress, if identifiable;

(4) the location of where the symptoms developed;

(5) the number of doses administered;

(6) the type of person administering the asthma medication (school nurse, trained personnel, or student);

(7) the outcome of the asthma medication administration; and

(8) any other information required by the State Board.

(j) By October 1, 2015 and every year thereafter, the State Board of Education shall submit a report to the General Assembly identifying the frequency and circumstances of undesignated epinephrine and undesignated asthma medication administration during the preceding academic year. Beginning with the 2017 report, the report shall also contain information on which school districts, public schools, charter schools, and nonpublic schools maintain or have independent contractors providing transportation to students who maintain a supply of undesignated epinephrine injectors. This report shall be published on the State Board's Internet website on the date the report is delivered to the General Assembly.

(j-5) Annually, each school district, public school, charter school, or nonpublic school shall request an asthma action plan from the parents or guardians of a pupil with asthma. If provided, the asthma action plan must be kept on file in the office of the school nurse or, in the absence of a school nurse, the school administrator. Copies of the asthma action plan may be distributed to appropriate school staff who interact with the pupil on a regular basis, and, if applicable, may be attached to the pupil's federal Section 504 plan or individualized education program plan.

(j-10) To assist schools with emergency response procedures for asthma, the State Board of Education, in consultation with statewide professional organizations with expertise in asthma management and a statewide organization representing school administrators, shall develop a model asthma episode emergency response protocol before September 1, 2016. Each school district, charter school, and nonpublic

school shall adopt an asthma episode emergency response protocol before January 1, 2017 that includes all of the components of the State Board's model protocol.

(j-15) (Blank).

(j-20) On or before October 1, 2016 and every year thereafter, the State Board of Education shall submit a report to the General Assembly and the Department of Public Health identifying the frequency and circumstances of opioid antagonist administration during the preceding academic year. This report shall be published on the State Board's Internet website on the date the report is delivered to the General Assembly.

(k) The State Board of Education may adopt rules necessary to implement this Section.

(l) Nothing in this Section shall limit the amount of epinephrine injectors that any type of school or student may carry or maintain a supply of.

(m) The changes made to this Section by this amendatory Act of the 104th General Assembly are subject to appropriation or available grant funding.

(Source: P.A. 102-413, eff. 8-20-21; 102-813, eff. 5-13-22; 103-175, eff. 6-30-23; 103-196, eff. 1-1-24; 103-348, eff. 1-1-24; 103-542, eff. 7-1-24 (see Section 905 of P.A. 103-563 for effective date of P.A. 103-542); 103-605, eff. 7-1-24.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 3020** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3020

AMENDMENT NO. 1 . Amend Senate Bill 3020 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Sections 112A-3, 112A-5.5, 112A-11.5, and 112A-14 as follows:

(725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

Sec. 112A-3. Definitions.

(a) In this Article:

"Advocate" means a person whose communications with the victim are privileged under Section 8-802.1 or 8-802.2 of the Code of Civil Procedure or Section 227 of the Illinois Domestic Violence Act of 1986.

"Named victim" means the person named as the victim in the delinquency petition or criminal prosecution.

"Protective order" means a domestic violence order of protection, a civil no contact order, or a stalking no contact order.

(b) For the purposes of domestic violence cases, the following terms shall have the following meanings in this Article:

(1) "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

(2) "Domestic violence" means abuse as described in paragraph (1) of this subsection (b).

(3) "Family or household members" include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in subsection (e) of Section 12-4.4a of the Criminal Code of 2012. For purposes of this paragraph (3), neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.

(4) "Harassment" means knowing conduct which is not necessary to accomplish a purpose which is reasonable under the circumstances; would cause a reasonable person emotional distress; and

does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

(i) creating a disturbance at petitioner's place of employment or school;

(ii) repeatedly contacting the petitioner directly or indirectly through any means, including, but not limited to, telephonic, electronic, or online; ~~telephoning petitioner's place of employment, home or residence;~~

(iii) repeatedly following the petitioner, including, but not limited to, directly or indirectly through third parties, or by using electronic tracking or monitoring, or acquiring information, to determine the petitioner's location, movement, or travel patterns without the petitioner's knowledge or consent; ~~repeatedly following petitioner about in a public place or places;~~

(iv) repeatedly surveilling the petitioner or tracking petitioner's location, directly or indirectly, including, but not limited to, by remaining present at or outside the petitioner's home, school, place of employment, vehicle, or other place occupied by the petitioner, by peering in the petitioner's windows, by using electronic tracking or monitoring, or by acquiring information to determine the petitioner's location, movement, or travel patterns without the petitioner's knowledge and consent; ~~repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;~~

(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing from an incident or pattern of domestic violence; ~~or~~

(vi) threatening physical force, confinement or restraint on one or more occasions;~~.~~

(vii) non-consensual dissemination or threatening the dissemination of electronically generated or digitally altered content using the image, voice, or other characteristic of the petitioner to falsely impersonate the petitioner or the petitioner's representative;

(viii) non-consensual dissemination or threatening the non-consensual dissemination of private sexual images and digitally altered sexual images as defined in Section 5 of the Civil Remedies for Nonconsensual Dissemination of Private Sexual Images Act; or

(ix) engaging in doxing as defined in the Civil Liability for Doxing Act.

(5) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

(6) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health, or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Article, regardless of whether the abused person is a family or household member.

(7) "Order of protection" or "domestic violence order of protection" means an ex parte or final order, granted pursuant to this Article, which includes any or all of the remedies authorized by Section 112A-14 of this Code.

(8) "Petitioner" may mean not only any named petitioner for the domestic violence order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Article.

(9) "Physical abuse" includes sexual abuse and means any of the following:

(i) knowing or reckless use of physical force, confinement or restraint;

(ii) knowing, repeated and unnecessary sleep deprivation; or

(iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(9.3) "Respondent" in a petition for a domestic violence order of protection means the defendant.

(9.5) "Stay away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the domestic violence order of protection.

(10) "Willful deprivation" means wilfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care and treatment when such dependent person has expressed the intent to forgo such medical care or treatment. This paragraph (10) does not create any new affirmative duty to provide support to dependent persons.

(c) For the purposes of cases involving sexual offenses, the following terms shall have the following meanings in this Article:

(1) "Civil no contact order" means an ex parte or final order granted under this Article, which includes a remedy authorized by Section 112A-14.5 of this Code.

(2) "Family or household members" include spouses, parents, children, stepchildren, and persons who share a common dwelling.

(3) "Non-consensual" means a lack of freely given agreement.

(4) "Petitioner" means not only any named petitioner for the civil no contact order and any named victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought, but includes any other person sought to be protected under this Article.

(5) "Respondent" in a petition for a civil no contact order means the defendant.

(6) "Sexual conduct" means any intentional or knowing touching or fondling by the petitioner or the respondent, either directly or through clothing, of the sex organs, anus, or breast of the petitioner or the respondent, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the respondent upon any part of the clothed or unclothed body of the petitioner, for the purpose of sexual gratification or arousal of the petitioner or the respondent.

(7) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(8) "Stay away" means to refrain from both physical presence and nonphysical contact with the petitioner directly, indirectly, or through third parties who may or may not know of the order. "Nonphysical contact" includes, but is not limited to, telephone calls, mail, e-mail, fax, and written notes.

(d) For the purposes of cases involving stalking offenses, the following terms shall have the following meanings in this Article:

(1) "Course of conduct" means 2 or more acts, including, but not limited to, acts in which a respondent directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications. The incarceration of a person in a penal institution who commits the course of conduct is not a bar to prosecution.

(2) "Emotional distress" means significant mental suffering, anxiety, or alarm.

(3) "Contact" includes any contact with the victim, that is initiated or continued without the victim's consent, or that is in disregard of the victim's expressed desire that the contact be avoided or discontinued, including, but not limited to, being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(4) "Petitioner" means any named petitioner for the stalking no contact order or any named victim of stalking on whose behalf the petition is brought.

(5) "Reasonable person" means a person in the petitioner's circumstances with the petitioner's knowledge of the respondent and the respondent's prior acts.

(6) "Respondent" in a petition for a civil no contact order means the defendant.

(7) "Stalking" means engaging in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety or the safety of a third person or suffer emotional distress. "Stalking" does not include an exercise of the right to free speech or assembly that is otherwise lawful or picketing occurring at the

workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

(8) "Stalking no contact order" means an ex parte or final order granted under this Article, which includes a remedy authorized by Section 112A-14.7 of this Code.

(Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

(725 ILCS 5/112A-5.5)

Sec. 112A-5.5. Time for filing petition; service on respondent, hearing on petition, and default orders.

(a) A petition for a protective order may be filed at any time, in person or online, after a criminal charge or delinquency petition is filed and before the charge or delinquency petition is dismissed, the defendant or juvenile is acquitted, or the defendant or juvenile completes service of his or her sentence.

(b) The request for an ex parte protective order may be considered without notice to the respondent under Section 112A-17.5 of this Code.

(c) A summons shall be issued and served for a protective order. The summons may be served by delivery to the respondent personally in open court in the criminal or juvenile delinquency proceeding, in the form prescribed by subsection (d) of Supreme Court Rule 101, except that it shall require the respondent to answer or appear within 7 days. Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued.

(d) The summons shall be served by the sheriff or other law enforcement officer at the earliest time available and shall take precedence over any other summons, except those of a similar emergency nature. Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued. Special process servers may be appointed at any time and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers. In a county with a population over 3,000,000, a special process server may not be appointed if the protective order grants the surrender of a child, the surrender of a firearm or Firearm Owner's Identification Card, or the exclusive possession of a shared residence.

(e) If the respondent is not served within 30 days of the filing of the petition, the court shall schedule a court proceeding on the issue of service. Either the petitioner, the petitioner's counsel, or the State's Attorney shall appear and the court shall either order continued attempts at personal service or shall order service by publication, in accordance with Sections 2-203, 2-206, and 2-207 of the Code of Civil Procedure.

(f) The request for a final protective order can be considered at any court proceeding in the delinquency or criminal case after service of the petition. If the petitioner has not been provided notice of the court proceeding at least 10 days in advance of the proceeding, the court shall schedule a hearing on the petition and provide notice to the petitioner.

(f-5) A court ~~in a county with a population above 250,000~~ shall offer the option of a remote hearing to a petitioner for a protective order. The court shall grant a request for a remote hearing unless good cause is shown for denial ~~has the discretion to grant or deny the request for a remote hearing~~. Each court shall determine the procedure for a remote hearing. The petitioner, applicable witness or witnesses and respondent may appear remotely or in person.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(g) Default orders.

(1) A final domestic violence order of protection may be entered by default:

(A) for any of the remedies sought in the petition, if the respondent has been served with documents under subsection (b) or (c) of this Section and if the respondent fails to appear on the specified return date or any subsequent hearing date agreed to by the petitioner and respondent or set by the court; or

(B) for any of the remedies provided under paragraph (1), (2), (3), (5), (6), (7), (8), (9), (10), (11), (14), (15), (17), or (18) of subsection (b) of Section 112A-14 of this Code, or if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(2) A final civil no contact order may be entered by default for any of the remedies provided in Section 112A-14.5 of this Code, if the respondent has been served with documents under subsection (b) or (c) of this Section, and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(3) A final stalking no contact order may be entered by default for any of the remedies provided by Section 112A-14.7 of this Code, if the respondent has been served with documents under subsection (b) or (c) of this Section and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

(725 ILCS 5/112A-11.5)

Sec. 112A-11.5. Issuance of protective order.

(a) Except as provided in subsection (a-5) of this Section, the court shall grant the petition and enter a protective order if the court finds prima facie evidence that a crime involving domestic violence, a sexual offense, or a crime involving stalking has been committed. The following shall be considered prima facie evidence of the crime:

(1) an information, complaint, indictment, or delinquency petition, charging a crime of domestic violence, a sexual offense, or stalking or charging an attempt to commit a crime of domestic violence, a sexual offense, or stalking;

(2) an adjudication of delinquency, a finding of guilt based upon a plea, or a finding of guilt after a trial for a crime of domestic battery, a sexual crime, or stalking or an attempt to commit a crime of domestic violence, a sexual offense, or stalking;

(3) any dispositional order issued under Section 5-710 of the Juvenile Court Act of 1987, the imposition of supervision, conditional discharge, probation, periodic imprisonment, parole, aftercare release, or mandatory supervised release for a crime of domestic violence, a sexual offense, or stalking or an attempt to commit a crime of domestic violence, a sexual offense, or stalking, or imprisonment in conjunction with a bond forfeiture warrant; or

(4) the entry of a protective order in a separate civil case brought by the petitioner against the respondent.

(a-5) The respondent may rebut prima facie evidence of the crime under paragraph (1) of subsection (a) of this Section by presenting evidence of a meritorious defense. The respondent shall file a written notice alleging a meritorious defense which shall be verified and supported by affidavit. The verified notice and affidavit shall set forth the evidence that will be presented at a hearing. If the court finds that the evidence presented at the hearing establishes a meritorious defense by a preponderance of the evidence, the court may decide not to issue a protective order.

(b) The petitioner shall not be denied a protective order because the petitioner or the respondent is a minor or solely upon the basis that the respondent or petitioner is incarcerated in a penal institution at the time of the issuance of the order.

(c) The court, when determining whether or not to issue a protective order, may not require physical injury on the person of the victim.

(d) If the court issues a final protective order under this Section, the court shall afford the petitioner and respondent an opportunity to be heard on the remedies requested in the petition.

(Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

(725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

Sec. 112A-14. Domestic violence order of protection; remedies.

(a) (Blank).

(b) The court may order any of the remedies listed in this subsection (b). The remedies listed in this subsection (b) shall be in addition to other civil or criminal remedies available to petitioner.

(1) Prohibition of abuse. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, as defined in this Article, if such abuse has occurred or otherwise appears likely to occur if not prohibited.

(2) Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence, household, or premises of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited

by the standard set forth in subsection (c-2) of Section 501 of the Illinois Marriage and Dissolution of Marriage Act.

(A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the domestic violence order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

(A) If a domestic violence order of protection grants petitioner exclusive possession of the residence, prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(B) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing a domestic violence order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the

public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. If the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

(C) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent complies with the order. If the court orders a transfer of the respondent to another school, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the change of school by the respondent.

(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers, or any other guidance service the court deems appropriate. The court may order the respondent in any intimate partner relationship to report to an Illinois Department of Human Services protocol approved partner abuse intervention program for an assessment and to follow all recommended treatment.

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If the respondent is charged with abuse (as defined in Section 112A-3 of this Code) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary allocation of parental responsibilities and significant decision-making responsibilities. Award temporary significant decision-making responsibility to petitioner in accordance with this Section, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 2015, and this State's Uniform Child-Custody Jurisdiction and Enforcement Act.

If the respondent is charged with abuse (as defined in Section 112A-3 of this Code) of a minor child, there shall be a rebuttable presumption that awarding temporary significant decision-making responsibility to respondent would not be in the child's best interest.

(7) Parenting time. Determine the parenting time, if any, of respondent in any case in which the court awards physical care or temporary significant decision-making responsibility of a minor child to petitioner. The court shall restrict or deny respondent's parenting time with a minor child if the court finds that respondent has done or is likely to do any of the following:

(i) abuse or endanger the minor child during parenting time;

(ii) use the parenting time as an opportunity to abuse or harass petitioner or petitioner's family or household members;

(iii) improperly conceal or detain the minor child; or

(iv) otherwise act in a manner that is not in the best interests of the minor child.

The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time". Petitioner may deny respondent access to the minor child if, when respondent arrives for parenting time, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner. If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for parenting time, and the petitioner and respondent shall submit to the court their recommendations for reasonable alternative arrangements for parenting time. A person may be approved to supervise parenting time

only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner, or to permit any court-ordered interview or examination of the child or the respondent.

(10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the petitioner and respondent own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging, or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the petitioner and respondent own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or over whom the petitioner has been allocated parental responsibility, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care of a child, or an order or agreement for physical care of a child, prior to entry of an order allocating significant decision-making responsibility. Such a support order shall expire upon entry of a valid order allocating parental responsibility differently and vacating petitioner's significant decision-making responsibility unless otherwise provided in the order.

(13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs, and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support, or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse

petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

(ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including, but not limited to, legal fees, court costs, private investigator fees, and travel costs.

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

(14.5) Prohibition of possession of firearms and firearm parts; search and seizure of firearms and firearm parts.

(A) Subject to the provisions of subparagraph (B-2), if applicable, a person who is subject to an existing domestic violence order of protection issued under this Code may not lawfully possess firearms or firearm parts that could be assembled to make an operable firearm or a Firearm Owner's Identification Card under Section 8.2 of the Firearm Owners Identification Card Act.

(B) Any firearms in the possession of the respondent, except as provided in subparagraph (C) of this paragraph (14.5) and subject to the provisions of subparagraph (B-2), if applicable, shall be ordered by the court to be surrendered to law enforcement for safekeeping. Any firearms or firearm parts on the respondent's person or at the place of service shall be immediately surrendered to the serving officers at the time of service of the order of protection, and any other firearms or firearm parts shall be surrendered to local law enforcement within 24 hours of service of the order of protection. Any Firearm Owner's Identification Card or Concealed Carry License in the possession of the respondent, except as provided in subparagraph (C), shall also be ordered by the court to be turned over to serving officers at the time of service of the order of protection or, if not on the respondent's person or at the location where the respondent is served at the time of service, to local law enforcement within 24 hours of service of the order. The law enforcement agency shall immediately mail the card, as well as any license, to the Illinois State Police Firearm Owner's Identification Card Office for safekeeping.

(B-1) Upon request of the petitioner or the State's Attorney on behalf of the petitioner, a law enforcement officer may seek a search warrant based on the allegations in the petition for the Order of Protection.

(i) If requested by law enforcement, the court shall issue a search warrant for the seizure of any firearms or firearm parts that could be assembled to make an operable firearm belonging to the respondent at or after entry of an order of protection if the court, based upon sworn testimony and governed by Sections 108-3 and 108-4, finds probable cause exists that:

(aa) the respondent poses an immediate and present credible threat to the physical safety of the petitioner protected by the order of protection;

(bb) the respondent possesses firearms or firearm parts that could be assembled to make an operable firearm; and

(cc) the firearms or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the respondent to be searched.

(ii) The search warrant shall specify with particularity the scope of the search, including the property to be searched, and shall direct the law enforcement agency to seize the respondent's firearms and firearm parts that could be assembled to make an operable firearm. Law enforcement shall also be directed to seize into their possession any Firearm Owner's Identification Card and any Concealed Carry License belonging to the respondent.

(iii) The law enforcement agency to which the court has directed the warrant shall execute the warrant no later than 96 hours after issuance. The law enforcement agency to which the court has directed the warrant may coordinate with other law enforcement agencies to execute the warrant. A return of the warrant shall be filed by the law enforcement agency within 24 hours of execution, setting forth the time, date, and

location where the warrant was executed and what items, if any, were seized. If the court is not in session, the return information shall be returned on the next date the court is in session. Subject to the provisions of this Section, peace officers shall have the same authority to execute a warrant issued under this subsection as a warrant issued under Article 108.

(iv) If the property to be searched is in another county, the petitioner or the State's Attorney may seek a search warrant in that county with the law enforcement agency with primary responsibility for responding to service calls at the property to be searched. Regardless of whether the petitioner is working with the State's Attorney under subsection (d) of Section 112A-4.5, the petitioner may request the State's Attorney's assistance to request that the law enforcement agency in the county where the property is located seek a search warrant.

(v) Service of an order of protection shall, to the extent possible, be concurrent with any warrant issued under this paragraph.

(B-2) Ex parte relief may be granted under this paragraph (14.5) only if the court finds that personal injury to the petitioner is likely to occur if the respondent received prior notice and if the petitioner has otherwise satisfied the requirements of Section 112A-17.5 of this Article.

(C) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the domestic violence order of protection.

(D)(i) Any firearms or firearm parts that could be assembled to make an operable firearm that have been seized or surrendered shall be kept by the law enforcement agency that took possession of the items for safekeeping, except as provided in subparagraph (C), (E), or (F). The period of safekeeping shall be for the duration of the order of protection. Except as provided in subparagraph (F), the respondent is prohibited from transferring firearms or firearm parts to another individual in lieu of surrender to law enforcement. The law enforcement agency shall provide an itemized statement of receipt to the respondent and the court describing any seized or surrendered firearms or firearm parts and informing the respondent that the respondent may seek the return of the respondent's items at the end of the order of protection. The law enforcement agency may enter arrangements, as needed, with federally licensed firearm dealers or other law enforcement agencies for the storage of any firearms seized or surrendered under this subsection.

(ii) It is the respondent's responsibility to request the return or reinstatement of any Firearm Owner's Identification Card or Concealed Carry License and to notify the Illinois State Police Firearm Owner's Identification Card Office at the end of the Order of Protection.

(iii) At the end of the order of protection, a respondent may request the return of any seized or surrendered firearms or firearm parts that could be assembled to make an operable firearm. Seized or surrendered firearms or firearm parts shall be returned within 14 days of the request to the respondent, if the respondent is lawfully eligible to possess firearms, or to a designated third party who is lawfully eligible to possess firearms. If the firearms or firearm parts cannot be returned to respondent because (1) the respondent has not requested the return or transfer of the firearms or firearm parts as set forth in this subparagraph and (2) the respondent cannot be located or fails to respond to more than 3 requests to retrieve the firearms, upon petition from the appropriate law enforcement agency and notice to the respondent at the respondent's last known address, the court may order the law enforcement agency to destroy the firearms or firearm parts; use the firearms or firearm parts for training purposes, or for any other application as deemed appropriate by the law enforcement agency; or turn over the firearms or firearm parts to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.

(E)(i) If a person other than the respondent claims title to any firearms or firearm parts that could be assembled to make an operable firearm seized or surrendered under this subsection, the person may petition the court to have the firearm and firearm parts that could be assembled to make an operable firearm returned to him or her with proper notice to the petitioner and respondent. If, at a hearing on the petition, the court determines the person to be

the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm, the firearm and firearm parts that could be assembled to make an operable firearm shall be returned to the person, provided that:

(aa) the firearm and firearm parts that could be assembled to make an operable firearm are removed from the respondent's custody, control, or possession, and the lawful owner agrees to store the firearm and firearm parts that could be assembled to make an operable firearm in a manner such that the respondent does not have access to or control of the firearm and firearm parts that could be assembled to make an operable firearm; and

(bb) the firearm and firearm parts that could be assembled to make an operable firearm are not otherwise unlawfully possessed by the owner.

(ii) The person petitioning for the return of his or her firearm and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit that he or she:

(aa) is the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm;

(bb) shall not transfer the firearm and firearm parts that could be assembled to make an operable firearm to the respondent; and

(cc) will store the firearm and firearm parts that could be assembled to make an operable firearm in a manner that the respondent does not have access to or control of the firearm and firearm parts that could be assembled to make an operable firearm.

(F)(i) The respondent may file a motion to transfer, at the next scheduled hearing, any seized or surrendered firearms or firearm parts to a third party. Notice of the motion shall be provided to the petitioner and the third party must appear at the hearing.

(ii) The court may order transfer of the seized or surrendered firearm or firearm parts only if:

(aa) the third party transferee affirms by affidavit to the open court that:

(I) the third party transferee does not reside with the respondent;

(II) the respondent does not have access to the location in which the third party transferee intends to keep the firearms or firearm parts;

(III) the third party transferee will not transfer the firearm or firearm parts to the respondent or anyone who resides with the respondent;

(IV) the third party transferee will maintain control and possession of the firearm or firearm parts until otherwise ordered by the court; and

(V) the third party transferee will be subject to criminal penalties for transferring the firearms or firearm parts to the respondent; and

(bb) the court finds that:

(I) the respondent holds a valid Firearm Owner's Identification; and

(II) the transfer of firearms or firearm parts to the third party transferee does not place the petitioner or any other protected parties at any additional threat or risk of harm.

(15) Prohibition of access to records. If a domestic violence order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 112A-5 of this Code, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

(16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

(17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary to establish that the harm is an irreparable injury.

(18) Telephone services.

(A) Unless a condition described in subparagraph (B) of this paragraph exists, the court may, upon request by the petitioner, order a wireless telephone service provider to transfer to

the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in subparagraph (C) of this paragraph. In this paragraph (18), the term "wireless telephone service provider" means a provider of commercial mobile service as defined in 47 U.S.C. 332. The petitioner may request the transfer of each telephone number that the petitioner, or a minor child in his or her custody, uses. The clerk of the court shall serve the order on the wireless telephone service provider's agent for service of process provided to the Illinois Commerce Commission. The order shall contain all of the following:

(i) The name and billing telephone number of the account holder including the name of the wireless telephone service provider that serves the account.

(ii) Each telephone number that will be transferred.

(iii) A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this paragraph.

(B) A wireless telephone service provider shall terminate the respondent's use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in subparagraph (A) of this paragraph unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:

(i) The account holder named in the order has terminated the account.

(ii) A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.

(iii) The transfer would cause a geographic or other limitation on network or service provision to the petitioner.

(iv) Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

(C) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this paragraph. In this paragraph, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(D) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

(E) Except for willful or wanton misconduct, a wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this paragraph.

(F) All wireless service providers that provide services to residential customers shall provide to the Illinois Commerce Commission the name and address of an agent for service of orders entered under this paragraph (18). Any change in status of the registered agent must be reported to the Illinois Commerce Commission within 30 days of such change.

(G) The Illinois Commerce Commission shall maintain the list of registered agents for service for each wireless telephone service provider on the Commission's website. The Commission may consult with wireless telephone service providers and the Circuit Court Clerks on the manner in which this information is provided and displayed.

(19) Cease use and dissemination.

(A) Order the respondent to stop use and dissemination of materials or statements to prevent further abuse.

(B) Order the respondent to stop use of any and all electronic tracking or monitoring.

(C) Require the respondent to produce sufficient evidence that such compliance has occurred.

(20) Removal of harassing materials, tracking or monitoring. Order the respondent to remove or delete and take reasonable steps to remove or delete the harassing statements or materials or delete the tracking and monitoring information collected by the respondent and produce sufficient evidence that such compliance has occurred.

(c) Relevant factors; findings.

(1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including, but not limited to, the following:

(i) the nature, frequency, severity, pattern, and consequences of the respondent's past abuse of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse to petitioner or any member of petitioner's or respondent's family or household; and

(ii) the danger that any minor child will be abused or neglected or improperly relocated from the jurisdiction, improperly concealed within the State, or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including, but not limited to, the following:

(i) availability, accessibility, cost, safety, adequacy, location, and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church, and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection (c), the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:

(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection (c).

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.

(4) (Blank).

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1975, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or territory, any other statute of this State, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, or when both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

(d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of a remedy governed by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

(e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:

(1) respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;

(2) respondent was voluntarily intoxicated;

(3) petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article 7 of the Criminal Code of 2012;

(4) petitioner did not act in self-defense or defense of another;

(5) petitioner left the residence or household to avoid further abuse by respondent;

(6) petitioner did not leave the residence or household to avoid further abuse by respondent; or

(7) conduct by any family or household member excused the abuse by respondent, unless that same conduct would have excused such abuse if the parties had not been family or household members.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

Section 10. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 103, 201, 212, 214, and 220 as follows:

(750 ILCS 60/103) (from Ch. 40, par. 2311-3)

Sec. 103. Definitions. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

(2) "Adult with disabilities" means an elder adult with disabilities or a high-risk adult with disabilities. A person may be an adult with disabilities for purposes of this Act even though he or she has never been adjudicated an incompetent adult. However, no court proceeding may be initiated or continued on behalf of an adult with disabilities over that adult's objection, unless such proceeding is approved by his or her legal guardian, if any.

(3) "Domestic violence" means abuse as defined in paragraph (1).

(4) "Elder adult with disabilities" means an adult prevented by advanced age from taking appropriate action to protect himself or herself from abuse by a family or household member.

(5) "Exploitation" means the illegal, including tortious, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

(6) "Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of the Criminal Code of 2012. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

(7) "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

(i) creating a disturbance at petitioner's place of employment or school;

(ii) contacting the petitioner directly or indirectly through any means including but not limited to telephonic, electronic, or online; ~~repeatedly telephoning petitioner's place of employment, home or residence;~~

(iii) repeatedly following the petitioner, including, but not limited to, directly or indirectly through third parties, or by using electronic tracking or monitoring, or acquiring information, to determine the petitioner's location, movement, or travel patterns without the petitioner's knowledge or consent; ~~repeatedly following petitioner about in a public place or places;~~

(iv) repeatedly surveilling the petitioner or tracking petitioner's location directly or indirectly including but not limited to by remaining present at or outside the petitioner's home, school, place of employment, vehicle, or other place occupied by petitioner, by peering in petitioner's windows, by using electronic tracking or monitoring, or by acquiring information to determine the petitioner's location, movement, or travel patterns without the petitioner's knowledge and consent; ~~repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;~~

(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat

following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; ~~or~~

(vi) threatening physical force, confinement or restraint on one or more occasions;~~.~~

(vii) non-consensual dissemination or threatening the dissemination of electronically generated or digitally altered content using the image, voice, or other characteristic of the petitioner to falsely impersonate the petitioner or the petitioner's representative;

(viii) non-consensual dissemination or threatening the non-consensual dissemination of private sexual images and digitally altered sexual images as defined in Section 5 of the Civil Remedies for Nonconsensual Dissemination of Private Sexual Images Act; or

(ix) engaging in doxing as defined in the Civil Liability for Doxing Act.

(8) "High-risk adult with disabilities" means a person aged 18 or over whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

(9) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

(10) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.

(11) (A) "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:

(i) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;

(ii) the repeated, careless imposition of unreasonable confinement;

(iii) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;

(iv) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or

(v) the failure to protect a high-risk adult with disabilities from health and safety hazards.

(B) Nothing in this subsection (10) shall be construed to impose a requirement that assistance be provided to a high-risk adult with disabilities over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support to a high-risk adult with disabilities.

(12) "Order of protection" means an emergency order, interim order or plenary order, granted pursuant to this Act, which includes any or all of the remedies authorized by Section 214 of this Act.

(13) "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Act.

(14) "Physical abuse" includes sexual abuse and means any of the following:

(i) knowing or reckless use of physical force, confinement or restraint;

(ii) knowing, repeated and unnecessary sleep deprivation; or

(iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(14.5) "Stay away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the order of protection.

(15) "Willful deprivation" means wilfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(750 ILCS 60/201) (from Ch. 40, par. 2312-1)

Sec. 201. Persons protected by this Act.

(a) The following persons are protected by this Act:

(i) any person abused by a family or household member;

(ii) any high-risk adult with disabilities who is abused, neglected, or exploited by a family or household member;

(iii) any minor child or dependent adult in the care of such person;

(iv) any person residing or employed at a private home or public shelter which is housing an abused family or household member; and

(v) any of the following persons if the person is abused by a family or household member of a child:

(A) a foster parent of that child if the child has been placed in the foster parent's home by the Department of Children and Family Services or by another state's public child welfare agency;

(B) a legally appointed guardian or legally appointed custodian of that child;

(C) an adoptive parent of that child; or

(D) a prospective adoptive parent of that child if the child has been placed in the prospective adoptive parent's home pursuant to the Adoption Act or pursuant to another state's law.

For purposes of this paragraph (a)(v), individuals who would have been considered "family or household members" of the child under subsection (6) of Section 103 of this Act before a termination of the parental rights with respect to the child continue to meet the definition of "family or household members" of the child.

(b) A petition for an order of protection may be filed only:

(i) by a person who has been abused by a family or household member or by any person on behalf of a minor child or an adult who has been abused by a family or household member and who, because of age, health, disability, or inaccessibility, cannot file the petition;

(ii) by any person on behalf of a high-risk adult with disabilities who has been abused, neglected, or exploited by a family or household member;

(iii) by any of the following persons if the person is abused by a family or household member of a child:

(A) a foster parent of that child if the child has been placed in the foster parent's home by the Department of Children and Family Services or by another state's public child welfare agency;

(B) a legally appointed guardian or legally appointed custodian of that child;

(C) an adoptive parent of that child;

(D) a prospective adoptive parent of that child if the child has been placed in the prospective adoptive parent's home pursuant to the Adoption Act or pursuant to another state's law.

For purposes of this paragraph (b)(iii), individuals who would have been considered "family or household members" of the child under subsection (6) of Section 103 of this Act before a termination of the parental rights with respect to the child continue to meet the definition of "family or household members" of the child;

(iv) by a crime victim who was abused by a family or household member ~~an offender~~ prior to the incarceration of the offender in a penal institution and such offender is incarcerated in a penal institution at the time of the filing of the petition; or

(v) by any person who has previously suffered abuse by a family or household member ~~person~~ convicted of (1) domestic battery, aggravated domestic battery, aggravated battery, or any other offense that would constitute domestic violence or (2) a violent crime, as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, committed against another person.

A petition for an order of protection may not be denied solely upon the basis that the respondent or petitioner is incarcerated in a penal institution at the time of the filing of the petition.

(c) Any petition properly filed under this Act may seek protection for any additional persons protected by this Act.

(Source: P.A. 104-11, eff. 6-20-25.)

(750 ILCS 60/212) (from Ch. 40, par. 2312-12)

Sec. 212. Hearings.

(a) A petition for an order of protection shall be treated as an expedited proceeding, and no court shall transfer or otherwise decline to decide all or part of such petition except as otherwise provided herein.

Nothing in this Section shall prevent the court from reserving issues when jurisdiction or notice requirements are not met.

(b) Any court or a division thereof which ordinarily does not decide matters of child custody and family support may decline to decide contested issues of physical care, custody, visitation, or family support unless a decision on one or more of those contested issues is necessary to avoid the risk of abuse, neglect, removal from the State or concealment within the State of the child or of separation of the child from the primary caretaker. If the court or division thereof has declined to decide any or all of these issues, then it shall transfer all undecided issues to the appropriate court or division. In the event of such a transfer, a government attorney involved in the criminal prosecution may, but need not, continue to offer counsel to the petitioner on transferred matters.

(c) If the court transfers or otherwise declines to decide any issue, judgment on that issue shall be expressly reserved and ruling on other issues shall not be delayed or declined.

(d) A court ~~in a county with a population above 250,000~~ shall offer the option of a remote hearing to a petitioner for an order of protection. The court shall grant a request for a remote hearing unless good cause is shown for denial ~~has the discretion to grant or deny the request for a remote hearing~~. Each court shall determine the procedure for a remote hearing. The petitioner, applicable witness or witnesses and respondent may appear remotely or in person.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

(750 ILCS 60/214) (from Ch. 40, par. 2312-14)

Sec. 214. Order of protection; remedies.

(a) Issuance of order. If the court finds that petitioner has been abused by a family or household member or that petitioner is a high-risk adult who has been abused, neglected, or exploited, as defined in this Act, an order of protection prohibiting the abuse, neglect, or exploitation shall issue; provided that petitioner must also satisfy the requirements of one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, or Section 219 on plenary orders. Petitioner shall not be denied an order of protection because petitioner or respondent is a minor. The court, when determining whether or not to issue an order of protection, shall not require physical manifestations of abuse on the person of the victim. Modification and extension of prior orders of protection shall be in accordance with this Act.

(b) Remedies and standards. The remedies to be included in an order of protection shall be determined in accordance with this Section and one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, and Section 219 on plenary orders. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner.

(1) Prohibition of abuse, neglect, or exploitation. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, neglect or exploitation, as defined in this Act, or stalking of the petitioner, as defined in Section 12-7.3 of the Criminal Code of 2012, if such abuse, neglect, exploitation, or stalking has occurred or otherwise appears likely to occur if not prohibited.

(2) Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence, household, or premises of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited by the standard set forth in subsection (c-2) of Section 501 of the Illinois Marriage and Dissolution of Marriage Act.

(A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent

and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

(A) If an order of protection grants petitioner exclusive possession of the residence, or prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(B) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing an order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. In the event the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

(C) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent

complies with the order. In the event the court orders a transfer of the respondent to another school, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the change of school by the respondent.

(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers or any other guidance service the court deems appropriate. The Court may order the respondent in any intimate partner relationship to report to an Illinois Department of Human Services protocol approved partner abuse intervention program for an assessment and to follow all recommended treatment.

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary allocation of parental responsibilities: significant decision-making. Award temporary decision-making responsibility to petitioner in accordance with this Section, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 2015, and this State's Uniform Child-Custody Jurisdiction and Enforcement Act.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding temporary significant decision-making responsibility to respondent would not be in the child's best interest.

(7) Parenting time. Determine the parenting time, if any, of respondent in any case in which the court awards physical care or allocates temporary significant decision-making responsibility of a minor child to petitioner. The court shall restrict or deny respondent's parenting time with a minor child if the court finds that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during parenting time; (ii) use the parenting time as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time".

Petitioner may deny respondent access to the minor child if, when respondent arrives for parenting time, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner.

If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for parenting time, and the parties shall submit to the court their recommendations for reasonable alternative arrangements for parenting time. A person may be approved to supervise parenting time only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner or to permit any court-ordered interview or examination of the child or the respondent.

(10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or over whom the petitioner has been allocated parental responsibility, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care of a child, or an order or agreement for physical care of a child, prior to entry of an order allocating significant decision-making responsibility. Such a support order shall expire upon entry of a valid order allocating parental responsibility differently and vacating the petitioner's significant decision-making authority, unless otherwise provided in the order.

(13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse, neglect, or exploitation. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

(ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including but not limited to legal fees, court costs, private investigator fees, and travel costs.

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

(14.5) Prohibition of possession of firearms and firearm parts; search and seizure of firearms and firearms parts.

(A)(i) Prohibit a respondent against whom an emergency, interim, or plenary order of protection was issued from possessing, during the duration of the order, any firearms or firearm parts that could be assembled into an operable firearm if a search warrant is issued under (A-1) or the order:

(aa) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate, or the petitioner has satisfied the requirements of Section 217;

(bb) restrains such person from using physical force; harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person; or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(cc) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child.

(ii) The court shall order any respondent prohibited from possessing firearms under item (i) of subparagraph (A) to surrender any firearms or firearm parts that could be assembled to make an operable firearm. Any firearms or firearm parts on the respondent's person or at the place of service shall be surrendered to the serving officers at the time of service of the order of protection, and any other firearms or firearm parts shall be surrendered to local law enforcement within 24 hours of service of the order of protection. Any Firearm Owner's Identification Card or Concealed Carry License in the possession of the respondent, except as provided in subparagraph (B), shall also be ordered by the court to be turned over to the officer serving the order of protection at the time of service or, if not on the respondent's person or at the location where the respondent is served at the time of service, to local law enforcement within 24 hours of service of the order of protection. The law enforcement agency shall immediately mail the card, as well as any license, to the Illinois State Police Firearm Owner's Identification Card Office for safekeeping.

(A-1)(i) Upon issuance of an emergency, interim, or plenary order of protection and subject to the provisions of item (ii) of this subparagraph (A-1), the court shall issue a search warrant for the seizure of any firearms or firearm parts that could be assembled to make an operable firearm belonging to the respondent if the court, based upon sworn testimony, finds that:

(aa) the respondent poses a credible threat to the physical safety of the petitioner protected by the order of protection; and

(bb) probable cause exists to believe that:

(I) the respondent possesses firearms or firearm parts that could be assembled to make an operable firearm;

(II) the firearms or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the respondent to be searched; and

(III) the credible threat to the physical safety of the petitioner protected by the order of protection is immediate and present.

The record shall reflect the court's findings in determining whether the search warrant shall be issued.

(ii) If the petitioner does not seek a warrant under this subparagraph (A-1) or the court determines that the requirements of this subparagraph (A-1) have not been met, relief under subparagraph (A) alone may be granted.

(iii) An ex parte search warrant shall be granted under this subparagraph (A-1) only if the court finds that:

(aa) the elements of item (i) of subparagraph (A-1) have been met;

(bb) personal injury to the petitioner is likely to occur if the respondent received prior notice; and

(cc) the petitioner has otherwise satisfied the requirements of Section 217 of this Act.

(iv) Oral testimony is sufficient in lieu of an affidavit to support a finding of probable cause.

(v) A search warrant issued under this subparagraph (A-1) shall be directed by the court for enforcement to the law enforcement agency with primary responsibility for responding to calls for service at the location to be searched or to another appropriate law enforcement agency if justified by the circumstances. The search warrant shall specify with particularity the scope of the search, including the property to be searched, and shall direct the law enforcement agency to seize the respondent's firearms and firearm parts that could be assembled to make an operable firearm. Law enforcement shall also be directed to seize any Firearm Owner's Identification Card and any Concealed Carry License belonging to the respondent.

(vi) The petitioner shall prepare an information sheet, reviewed by the court, for law enforcement at the time the warrant is granted. The information sheet shall include:

(aa) contact information for the petitioner, the petitioner's attorney, or both, including a telephone number and email, if available;

(bb) a physical description of the respondent, including the respondent's date of birth, if known, or approximate age, height, weight, race, and hair color;

(cc) days and times that the respondent is likely to be at the property to be searched, if known; and

(dd) whether people other than the respondent are likely to be present at the property to be searched and when, if known.

(vii) The information sheet shall be transmitted to the law enforcement agency to which the search warrant is directed in the same manner as the warrant is transmitted under Section 222 of this Act.

(viii) If the court, after determining a search warrant should issue, finds that the petitioner has made a credible report of domestic violence to the local law enforcement agency within the previous 90 days, law enforcement shall execute the warrant no later than 96 hours after receipt of the warrant. If the court finds that petitioner has not made such a report, the law enforcement agency to which the court has directed the warrant shall, within 48 hours of receipt, evaluate the warrant and seek any corrections to the warrant, and, if applicable, add to or negate the warrant. The record shall reflect the court's findings in determining whether to correct, add, or negate the warrant. If a change is made regarding the search warrant, law enforcement shall execute the warrant no later than 96 hours after the correction is issued. The law enforcement agency shall notify the petitioner of any changes to the warrant or if the warrant has been negated. The law enforcement agency to which the court has directed the warrant may coordinate with other law enforcement agencies to execute the warrant. A return of the warrant shall be filed by the law enforcement agency within 24 hours of execution, setting forth the time, date, and location where the warrant was executed and what items, if any, were seized. If the court is not in session, the return information shall be returned on the next date the court is in session. Subject to the provisions of this Section, peace officers shall have the same authority to execute a warrant issued pursuant to this subsection as a warrant issued under Article 108 of the Code of Criminal Procedure of 1963.

(ix) Upon discovering a defect in the search warrant, the appropriate law enforcement agency may petition the court to correct the warrant. The law enforcement agency shall notify the petitioner of any such correction.

(x) Upon petition by the appropriate law enforcement agency, the court may modify the search warrant or extend the time to execute the search warrant for a period of no more than 96 hours. In determining whether to modify or extend the warrant, the court shall consider:

(aa) any increased risk to the petitioner's safety that may result from a modification or extension of the warrant;

(bb) any unnecessary risk to law enforcement that would be mitigated by a modification or extension of the warrant;

(cc) any risks to third parties at the location to be searched that would be mitigated by a modification or extension of the warrant; and

(dd) the likelihood of successful execution of warrant.

The record shall reflect the court's findings in determining whether to extend or modify the warrant. The law enforcement agency shall notify the petitioner of any modification or extension of the warrant.

(xi) Service of any order of protection shall, to the extent possible, be concurrent with the execution of any search warrant under this paragraph.

(B) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the order of protection.

(C)(i) Any firearms or firearm parts that could be assembled to make an operable firearm shall be kept by the law enforcement agency that took possession of the items for safekeeping, except as provided in subparagraph (B). The period of safekeeping shall be for the duration of the order of protection. Except as provided in subparagraph (E), the respondent is prohibited from transferring firearms or firearm parts to another individual in lieu of surrender to law enforcement. The law enforcement agency shall provide an itemized statement of receipt to the respondent and the court describing any seized or surrendered firearms or firearm parts and informing the respondent that the respondent may seek the return of the respondent's items at the end of the order of protection. The law enforcement agency may enter arrangements, as needed, with federally licensed firearm dealers or other law enforcement agencies for the storage of any firearms seized or surrendered under this subsection.

(ii) It is the respondent's responsibility to request the return or reinstatement of any Firearm Owner's Identification Card or Concealed Carry License and notify the Illinois State Police Firearm Owner's Identification Card Office at the end of the Order of Protection.

(iii) At the end of the order of protection, a respondent may request the return of any seized or surrendered firearms or firearm parts that could be assembled to make an operable firearm. Such firearms or firearm parts shall be returned within 14 days of the request to the respondent, if the respondent is lawfully eligible to possess firearms, or to a designated third party who is lawfully eligible to possess firearms. If the firearms or firearm parts cannot be returned to respondent because (1) the respondent has not requested the return or transfer of the firearms or firearm parts as set forth in this subparagraph, and (2) the respondent cannot be located or fails to respond to more than 3 requests to retrieve the firearms or firearm parts the court may, or is not lawfully eligible to possess a firearm, upon petition from the appropriate law enforcement agency and notice to the respondent at the respondent's last known address, order the law enforcement agency to destroy the firearms or firearm parts; use the firearms or firearm parts for training purposes or for any other application as deemed appropriate by the law enforcement agency; or turn over the firearm or firearm parts to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.

(D)(i) If a person other than the respondent claims title to any firearms and firearm parts that could be assembled to make an operable firearm seized or surrendered under this subsection, the person may petition the court to have the firearm and firearm parts that could be assembled to make an operable firearm returned to him or her with proper notice to the petitioner and respondent. If, at a hearing on the petition, the court determines the person to be the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm, the firearm and firearm parts that could be assembled to make an operable firearm shall be returned to the person, provided that:

(aa) the firearm and firearm parts that could be assembled to make an operable firearm are removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm and firearm parts that could be assembled to make an operable firearm in a manner such that the respondent does not have access to or control of the firearm and firearm parts that could be assembled to make an operable firearm; and

(bb) the firearm and firearm parts that could be assembled to make an operable firearm are not otherwise unlawfully possessed by the owner.

(ii) The person petitioning for the return of his or her firearm and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit that he or she:

(aa) is the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm;

(bb) shall not transfer the firearm and firearm parts that could be assembled to make an operable firearm to the respondent; and

(cc) will store the firearm and firearm parts that could be assembled to make an operable firearm in a manner that the respondent does not have access to or control of the firearm and firearm parts that could be assembled to make an operable firearm.

(E)(i) The respondent may file a motion to transfer, at the next scheduled hearing, any seized or surrendered firearms or firearm parts to a third party. Notice of the motion shall be provided to the petitioner and the third party must appear at the hearing.

(ii) The court may order transfer of the seized or surrendered firearm or firearm parts only if:

(aa) the third party transferee affirms by affidavit to the open court that:

(I) the third party transferee does not reside with the respondent;

(II) the respondent does not have access to the location in which the third party transferee intends to keep the firearms or firearm parts;

(III) the third party transferee will not transfer the firearm or firearm parts to the respondent or anyone who resides with the respondent;

(IV) the third party transferee will maintain control and possession of the firearm or firearm parts until otherwise ordered by the court; and

(V) the third party transferee will be subject to criminal penalties for transferring the firearms or firearm parts to the respondent; and

(bb) the court finds that:

(I) the respondent holds a valid Firearm Owner's Identification; and

(II) the transfer of firearms or firearm parts to the third party transferee does not place the petitioner or any other protected parties at any additional threat or risk of harm.

(15) Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 203, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

(16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

(17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or further abuse, neglect, or exploitation of a high-risk adult with disabilities or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary that the harm is an irreparable injury.

(18) Telephone services.

(A) Unless a condition described in subparagraph (B) of this paragraph exists, the court may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in subparagraph (C) of this paragraph. For purposes of this paragraph (18), the term "wireless telephone service provider" means a provider of commercial mobile service as defined in 47 U.S.C. 332. The petitioner may request the transfer of each telephone number that the petitioner, or a minor child in his or her custody, uses. The clerk of the court shall serve the order on the wireless telephone service provider's agent for service of process provided to the Illinois Commerce Commission. The order shall contain all of the following:

(i) The name and billing telephone number of the account holder including the name of the wireless telephone service provider that serves the account.

(ii) Each telephone number that will be transferred.

(iii) A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this paragraph.

(B) A wireless telephone service provider shall terminate the respondent's use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in

subparagraph (A) of this paragraph unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:

(i) The account holder named in the order has terminated the account.

(ii) A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.

(iii) The transfer would cause a geographic or other limitation on network or service provision to the petitioner.

(iv) Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

(C) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this paragraph. In this paragraph, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(D) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

(E) Except for willful or wanton misconduct, a wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this paragraph.

(F) All wireless service providers that provide services to residential customers shall provide to the Illinois Commerce Commission the name and address of an agent for service of orders entered under this paragraph (18). Any change in status of the registered agent must be reported to the Illinois Commerce Commission within 30 days of such change.

(G) The Illinois Commerce Commission shall maintain the list of registered agents for service for each wireless telephone service provider on the Commission's website. The Commission may consult with wireless telephone service providers and the Circuit Court Clerks on the manner in which this information is provided and displayed.

(19) Cease use and dissemination.

(A) Order the respondent to stop use and dissemination of materials or statements to prevent further abuse.

(B) Order the respondent to stop use of any and all electronic tracking or monitoring.

(C) Require the respondent to produce sufficient evidence that such compliance has occurred.

(20) Removal of harassing materials, tracking, or monitoring. Order respondent to remove or delete and take reasonable steps to remove or delete the harassing statements or materials or delete the tracking and monitoring information collected by the respondent and produce sufficient evidence that such compliance has occurred.

(c) Relevant factors; findings.

(1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including but not limited to the following:

(i) the nature, frequency, severity, pattern and consequences of the respondent's past abuse, neglect or exploitation of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse, neglect, or exploitation to petitioner or any member of petitioner's or respondent's family or household; and

(ii) the danger that any minor child will be abused or neglected or improperly relocated from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

(i) availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection, the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:

(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection.

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.

(4) For purposes of issuing an ex parte emergency order of protection, the court, as an alternative to or as a supplement to making the findings described in paragraphs (c)(3)(i) through (c)(3)(iii) of this subsection, may use the following procedure:

When a verified petition for an emergency order of protection in accordance with the requirements of Sections 203 and 217 is presented to the court, the court shall examine petitioner on oath or affirmation. An emergency order of protection shall be issued by the court if it appears from the contents of the petition and the examination of petitioner that the averments are sufficient to indicate abuse by respondent and to support the granting of relief under the issuance of the emergency order of protection.

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1975, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or territory, any other Illinois statute, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or where both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, finding, or acknowledgment, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

(d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of a remedy governed by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

(e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:

(1) Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;

(2) Respondent was voluntarily intoxicated;

(3) Petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article 7 of the Criminal Code of 2012;

(4) Petitioner did not act in self-defense or defense of another;

(5) Petitioner left the residence or household to avoid further abuse, neglect, or exploitation by respondent;

(6) Petitioner did not leave the residence or household to avoid further abuse, neglect, or exploitation by respondent;

(7) Conduct by any family or household member excused the abuse, neglect, or exploitation by respondent, unless that same conduct would have excused such abuse, neglect, or exploitation if the parties had not been family or household members.

(Source: P.A. 102-538, eff. 8-20-21; 103-1065, eff. 5-11-25.)

(750 ILCS 60/220) (from Ch. 40, par. 2312-20)

Sec. 220. Duration and extension of orders.

(a) Duration of emergency and interim orders. Unless re-opened or extended or voided by entry of an order of greater duration:

(1) Emergency orders issued under Section 217 shall be effective for not less than 14 nor more than 21 days;

(2) Interim orders shall be effective for up to 30 days.

(b) Duration of plenary orders.

(0.05) A plenary order of protection entered under this Act shall be valid for a fixed period of time, not to exceed two years.

(1) A plenary order of protection entered in conjunction with another civil proceeding shall remain in effect as follows:

(i) if entered as preliminary relief in that other proceeding, until entry of final judgment in that other proceeding;

(ii) if incorporated into the final judgment in that other proceeding, until the order of protection is vacated or modified; or

(iii) if incorporated in an order for involuntary commitment, until termination of both the involuntary commitment and any voluntary commitment, or for a fixed period of time not exceeding 2 years.

(2) Duration of an order of protection entered in conjunction with a criminal prosecution or delinquency petition shall remain in effect as provided in Section 112A-20 of the Code of Criminal Procedure of 1963.

(c) Computation of time. The duration of an order of protection shall not be reduced by the duration of any prior order of protection.

(d) Law enforcement records. When a plenary order of protection expires upon the occurrence of a specified event, rather than upon a specified date as provided in subsection (b), no expiration date shall be entered in Illinois State Police records. To remove the plenary order from those records, either party shall request the clerk of the court to file a certified copy of an order stating that the specified event has occurred or that the plenary order has been vacated or modified with the Sheriff, and the Sheriff shall direct that law enforcement records shall be promptly corrected in accordance with the filed order.

(e) Extension of orders.

(1) Emergency and Interim orders. Any emergency~~,~~ interim ~~or plenary~~ order may be extended one or more times, as required, provided that the requirements of Section 217, 218 or 219, as appropriate, are satisfied. A violation of the original order or a subsequent incident of abuse is not required to grant an extension of the order.

(2) Plenary orders.

(A) The court shall grant the petitioner's motion to extend a plenary order of protection if the requirements of Section 219 have been satisfied and there has been no material change in the relevant circumstances. The court shall not deny a motion to extend solely because there is no violation of the original order nor a subsequent incident of abuse.

(B) An extension of a plenary order may be granted for any fixed period of time or until the order is vacated or modified. If the petitioner seeks an extension longer than 2 years, the court may grant such request if it finds that there is good cause to extend the order for longer than 2 years.

(C) If respondent does not contest the motion to extend a plenary order of protection, after service of the motion in accordance with Supreme Court Rules 11, 12, and 105, the court may grant the request for an extension based solely on the petitioner's motion and affidavit setting forth the requirements of this paragraph (2).

(D) If the plenary order is set to expire before the next available court date, then the court date for extension must be expedited. The court may extend the order on an emergency basis pending a hearing on the request. If a plenary order expires prior to a hearing on the motion, the court may reinstate and extend the order upon hearing.

~~If the motion for extension is uncontested and petitioner seeks no modification of the order, the order may be extended on the basis of petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension. An extension of a plenary order of protection may be granted, upon good cause shown, to remain in effect until the order of protection is vacated or modified.~~

(3) Extensions under this subsection (e) may be granted only in open court and not under the provisions of subsection (c) of Section 217, which applies only when the court is unavailable at the close of business or on a court holiday.

(f) Termination date. Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day.

(g) Statement of purpose. The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of an order of protection undermines the purposes of this Act. This Section shall not be construed as encouraging that practice.

(Source: P.A. 102-538, eff. 8-20-21.)".

Senator Johnson offered the following amendment and Senator Cunningham moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3020

AMENDMENT NO. 2 . Amend Senate Bill 3020, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, line 26, by inserting "and deceptively" after "falsely"; and

on page 51, line 3, by inserting "and deceptively" after "falsely".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, **Senate Bill No. 3273** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Simmons, **Senate Bill No. 3361** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3361

AMENDMENT NO. 1 . Amend Senate Bill 3361 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Religious Hair and Facial Hair Protections Act. This Act may also be referred to as the Jett Hawkins Law.

Section 5. The School Code is amended by changing Sections 2-3.25o, 10-22.25b, and 34-2.3 as follows:

(105 ILCS 5/2-3.25o)

Sec. 2-3.25o. Registration and recognition of non-public elementary and secondary schools.

(a) Findings. The General Assembly finds and declares (i) that the Constitution of the State of Illinois provides that a "fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities" and (ii) that the educational development of every school student serves the public purposes of the State. In order to ensure that all Illinois students and teachers have the opportunity to enroll and work in State-approved educational institutions and programs, the State Board of Education shall provide for the voluntary registration and recognition of non-public elementary and secondary schools.

(b) Registration. All non-public elementary and secondary schools in the State of Illinois may voluntarily register with the State Board of Education on an annual basis. Registration shall be completed in conformance with procedures prescribed by the State Board of Education. Information required for registration shall include assurances of compliance (i) with federal and State laws regarding health examination and immunization, attendance, length of term, and nondiscrimination, including assurances that the school will not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists, or religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's or employee's sincerely held religious beliefs, observance, or practice, including, but not limited to, uncut hair or sidelocks (known as payot or

peyos), or beards, mustaches, or other facial hair, and (ii) with applicable fire and health safety requirements.

(c) Recognition. All non-public elementary and secondary schools in the State of Illinois may voluntarily seek the status of "Non-public School Recognition" from the State Board of Education. This status may be obtained by compliance with administrative guidelines and review procedures as prescribed by the State Board of Education. The guidelines and procedures must recognize that some of the aims and the financial bases of non-public schools are different from public schools and will not be identical to those for public schools, nor will they be more burdensome. The guidelines and procedures must also recognize the diversity of non-public schools and shall not impinge upon the noneducational relationships between those schools and their clientele.

(c-5) Prohibition against recognition. A non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless the school requires all certified and non-certified applicants for employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses set forth in Section 21B-80 of this Code or have been convicted, within 7 years of the application for employment, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.

Authorization for the check shall be furnished by the applicant to the school, except that if the applicant is a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school, then only one of the non-public schools employing the individual shall request the authorization. Upon receipt of this authorization, the non-public school shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police.

The Illinois State Police and Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereafter, until expunged, to the president or principal of the non-public school that requested the check. The Illinois State Police shall charge that school a fee for conducting such check, which fee must be deposited into the State Police Services Fund and must not exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse non-public schools for fees paid to obtain criminal history records checks under this Section.

A non-public school may not obtain recognition status unless the school also performs a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each applicant for employment, after July 1, 2007, to determine whether the applicant has been adjudicated of a sex offense or of a murder or other violent crime against youth. The checks of the Statewide Sex Offender Database and the Statewide Murderer and Violent Offender Against Youth Database must be conducted by the non-public school once for every 5 years that an applicant remains employed by the non-public school.

Any information concerning the record of convictions obtained by a non-public school's president or principal under this Section is confidential and may be disseminated only to the governing body of the non-public school or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Illinois State Police shall be provided to the applicant for employment. Upon a check of the Statewide Sex Offender Database, the non-public school shall notify the applicant as to whether or not the applicant has been identified in the Sex Offender Database as a sex offender. Any information concerning the records of conviction obtained by the non-public school's president or principal under this Section for a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school may be shared with another non-public school's principal or president to which the applicant seeks employment. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

No non-public school may obtain recognition status that knowingly employs a person, hired after July 1, 2007, for whom an Illinois State Police and Federal Bureau of Investigation fingerprint-based criminal history records check and a Statewide Sex Offender Database check has not been initiated or who has been convicted of any offense enumerated in Section 21B-80 of this Code or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of those offenses. No non-public school may obtain recognition status under this Section that knowingly employs a person who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

In order to obtain recognition status under this Section, a non-public school must require compliance with the provisions of this subsection (c-5) from all employees of persons or firms holding contracts with the school, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct, daily contact with pupils. Any information concerning the records of conviction or identification as a sex offender of any such employee obtained by the non-public school principal or president must be promptly reported to the school's governing body.

Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in any non-public elementary or secondary school that has obtained or seeks to obtain recognition status under this Section, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the chief administrative officer of the non-public school where the student teaching is to be completed. Upon receipt of this authorization and payment, the chief administrative officer of the non-public school shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Illinois State Police, to the Illinois State Police. The Illinois State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the chief administrative officer of the non-public school that requested the check. The Illinois State Police shall charge the school a fee for conducting the check, which fee must be passed on to the student teacher, must not exceed the cost of the inquiry, and must be deposited into the State Police Services Fund. The school shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. No school that has obtained or seeks to obtain recognition status under this Section may knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the chief administrative officer of the non-public school.

A copy of the record of convictions obtained from the Illinois State Police must be provided to the student teacher. Any information concerning the record of convictions obtained by the chief administrative officer of the non-public school is confidential and may be transmitted only to the chief administrative officer of the non-public school or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Illinois State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

No school that has obtained or seeks to obtain recognition status under this Section may knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code or who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

Any school that has obtained or seeks to obtain recognition status under this Section may not prohibit hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists, or religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's or employee's sincerely held religious beliefs, observance, or practice, including, but not limited to, uncut hair or sidelocks (known as payot or peyos), or beards, mustaches, or other facial hair.

(c-10) Exemption. Notwithstanding any other provision of this Section to the contrary, a non-public, sectarian school that has registered or seeks to register under this Section or that has obtained or seeks to obtain recognition status under this Section is not subject to those requirements of this Section that restrict a school's ability to adopt, enforce, or apply policies regarding religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's or employee's sincerely held religious beliefs, observance, or practice.

(d) Public purposes. The provisions of this Section are in the public interest, for the public benefit, and serve secular public purposes.

(e) Definition. For purposes of this Section, a non-public school means any non-profit, non-home-based, and non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of this Code.
(Source: P.A. 102-360, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-111, eff. 6-29-23; 103-605, eff. 7-1-24.)

(105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)

Sec. 10-22.25b. School uniforms.

(a) In this Section, "religious hairstyles, hair-related religious practices, or facial hair" means hair length, hair arrangement, head hair, or facial hair maintained, worn, or displayed in accordance with a student's sincerely held religious beliefs, observance, or practice, including, but not limited to, uncut hair, sidelocks (known as payot or peyos), or beards, mustaches, or other facial hair.

(b) The school board may adopt a school uniform or dress code policy that governs all or certain individual attendance centers and that is necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety. A school uniform or dress code policy adopted by a school board: (i) shall not be applied in such manner as to discipline or deny attendance to a transfer student or any other student for noncompliance with that policy during such period of time as is reasonably necessary to enable the student to acquire a school uniform or otherwise comply with the dress code policy that is in effect at the attendance center or in the district into which the student's enrollment is transferred; (ii) shall include criteria and procedures under which the school board will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family in complying with an applicable school uniform or dress code policy; (iii) shall not include or apply to hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists, or religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's sincerely held religious beliefs, observance, or practice, including, but not limited to, uncut hair or sidelocks (known as payot or peyos), or beards, mustaches, or other facial hair; and (iv) shall not prohibit the right of a student to wear or accessorize the student's graduation attire with items associated with the student's cultural, ethnic, or religious identity or any other protected characteristic or category identified in subsection (Q) of Section 1-103 of the Illinois Human Rights Act.

Nothing in item (iii) of this subsection (b) prohibits a school from requiring that hair or facial hair be secured, covered, or otherwise controlled during a specific activity if necessary to prevent endangerment of student health or safety, as long as the requirement is applied in the least restrictive manner practicable and does not require cutting, shaving, or other permanent alteration.

(c) A student whose parents or legal guardians object on religious grounds to the student's compliance with an applicable school uniform or dress code policy shall not be required to comply with that policy if the student's parents or legal guardians present to the school board a signed statement of objection detailing the grounds for the objection. This Section applies to school boards of all districts, including special charter districts and districts organized under Article 34. If a school board does not comply with the requirements and prohibitions set forth in this Section, the school district is subject to the penalty imposed pursuant to subsection (a) of Section 2-3.25.

(d) The ~~By no later than July 1, 2022, the~~ State Board of Education shall make available to schools resource materials developed in consultation with stakeholders regarding hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists, and regarding religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's sincerely held religious beliefs, observance, or practice. The State Board of Education shall make the resource materials available on its Internet website.
(Source: P.A. 102-360, eff. 1-1-22; 103-463, eff. 8-4-23.)

(105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

Sec. 34-2.3. Local school councils; powers and duties. Each local school council shall have and exercise, consistent with the provisions of this Article and the powers and duties of the board of education, the following powers and duties:

1. (A) To annually evaluate the performance of the principal of the attendance center using a Board-approved ~~Board-approved~~ principal evaluation form, which shall include the evaluation of (i) student academic improvement, as defined by the school improvement plan, (ii) student absenteeism rates at the school, (iii) instructional leadership, (iv) the effective implementation of programs, policies, or strategies to improve student academic achievement, (v) school management, and (vi) any other factors deemed relevant by the local school council, including, without limitation, the principal's communication skills and ability to create and maintain a student-centered learning environment, to develop opportunities for professional development, and to encourage parental involvement and community partnerships to achieve school improvement;

(B) to determine in the manner provided by subsection (c) of Section 34-2.2 and subdivision 1.5 of this Section whether the performance contract of the principal shall be renewed; and

(C) to directly select, in the manner provided by subsection (c) of Section 34-2.2, a new principal (including a new principal to fill a vacancy) -- without submitting any list of candidates for that position to the general superintendent as provided in subdivision ~~paragraph~~ 2 of this Section -- to serve under a 4 year performance contract; provided that (i) the determination of whether the principal's performance contract is to be renewed, based upon the evaluation required by subdivision 1.5 of this Section, shall be made no later than 150 days prior to the expiration of the current performance-based contract of the principal, (ii) in cases where such performance contract is not renewed -- a direct selection of a new principal -- to serve under a 4 year performance contract shall be made by the local school council no later than 45 days prior to the expiration of the current performance contract of the principal, and (iii) a selection by the local school council of a new principal to fill a vacancy under a 4-year ~~4 year~~ performance contract shall be made within 90 days after the date such vacancy occurs. A council ~~Council~~ shall be required, if requested by the principal, to provide in writing the reasons for the council's not renewing the principal's contract.

1.5. The local school council's determination of whether to renew the principal's contract shall be based on an evaluation to assess the educational and administrative progress made at the school during the principal's current performance-based contract. The local school council shall base its evaluation on (i) student academic improvement, as defined by the school improvement plan, (ii) student absenteeism rates at the school, (iii) instructional leadership, (iv) the effective implementation of programs, policies, or strategies to improve student academic achievement, (v) school management, and (vi) any other factors deemed relevant by the local school council, including, without limitation, the principal's communication skills and ability to create and maintain a student-centered learning environment, to develop opportunities for professional development, and to encourage parental involvement and community partnerships to achieve school improvement. If a local school council fails to renew the performance contract of a principal rated by the general superintendent, or his or her designee, in the previous years' evaluations as meeting or exceeding expectations, the principal, within 15 days after the local school council's decision not to renew the contract, may request a review of the local school council's principal non-retention decision by a hearing officer appointed by the American Arbitration Association. A local school council member or members or the general superintendent may support the principal's request for review. During the period of the hearing officer's review of the local school council's decision on whether or not to retain the principal, the local school council shall maintain all authority to search for and contract with a person to serve as interim or acting principal, or as the principal of the attendance center under a 4-year performance contract, provided that any performance contract entered into by the local school council shall be voidable or modified in accordance with the decision of the hearing officer. The principal may request review only once while at that attendance center. If a local school council renews the contract of a principal who failed to obtain a rating of "meets" or "exceeds expectations" in the general superintendent's evaluation for the previous year, the general superintendent, within 15 days after the local school council's decision to renew the contract, may request a review of the local school council's principal retention decision by a hearing officer appointed by the American Arbitration Association. The general superintendent may request a review only once for that principal at that attendance center. All requests to review the retention or non-retention of a principal shall be submitted to the general superintendent, who shall, in turn, forward such requests, within 14 days of

receipt, to the American Arbitration Association. The general superintendent shall send a contemporaneous copy of the request that was forwarded to the American Arbitration Association to the principal and to each local school council member and shall inform the local school council of its rights and responsibilities under the arbitration process, including the local school council's right to representation and the manner and process by which the Board shall pay the costs of the council's representation. If the local school council retains the principal and the general superintendent requests a review of the retention decision, the local school council and the general superintendent shall be considered parties to the arbitration, a hearing officer shall be chosen between those 2 parties pursuant to procedures promulgated by the State Board of Education, and the principal may retain counsel and participate in the arbitration. If the local school council does not retain the principal and the principal requests a review of the retention decision, the local school council and the principal shall be considered parties to the arbitration and a hearing officer shall be chosen between those 2 parties pursuant to procedures promulgated by the State Board of Education. The hearing shall begin (i) within 45 days after the initial request for review is submitted by the principal to the general superintendent or (ii) if the initial request for review is made by the general superintendent, within 45 days after that request is mailed to the American Arbitration Association. The hearing officer shall render a decision within 45 days after the hearing begins and within 90 days after the initial request for review. The Board shall contract with the American Arbitration Association for all of the hearing officer's reasonable and necessary costs. In addition, the Board shall pay any reasonable costs incurred by a local school council for representation before a hearing officer.

1.10. The hearing officer shall conduct a hearing, which shall include (i) a review of the principal's performance, evaluations, and other evidence of the principal's service at the school, (ii) reasons provided by the local school council for its decision, and (iii) documentation evidencing views of interested persons, including, without limitation, students, parents, local school council members, school faculty and staff, the principal, the general superintendent or his or her designee, and members of the community. The burden of proof in establishing that the local school council's decision was arbitrary and capricious shall be on the party requesting the arbitration, and this party shall sustain the burden by a preponderance of the evidence. The hearing officer shall set the local school council decision aside if that decision, in light of the record developed at the hearing, is arbitrary and capricious. The decision of the hearing officer may not be appealed to the Board or the State Board of Education. If the hearing officer decides that the principal shall be retained, the retention period shall not exceed 2 years.

2. In the event (i) the local school council does not renew the performance contract of the principal, or the principal fails to receive a satisfactory rating as provided in subsection (h) of Section 34-8.3, or the principal is removed for cause during the term of his or her performance contract in the manner provided by Section 34-85, or a vacancy in the position of principal otherwise occurs prior to the expiration of the term of a principal's performance contract, and (ii) the local school council fails to directly select a new principal to serve under a 4-year ~~4 year~~ performance contract, the local school council in such event shall submit to the general superintendent a list of 3 candidates -- listed in the local school council's order of preference -- for the position of principal, one of which shall be selected by the general superintendent to serve as principal of the attendance center. If the general superintendent fails or refuses to select one of the candidates on the list to serve as principal within 30 days after being furnished with the candidate list, the general superintendent shall select and place a principal on an interim basis (i) for a period not to exceed one year or (ii) until the local school council selects a new principal with 7 affirmative votes as provided in subsection (c) of Section 34-2.2, whichever occurs first. If the local school council fails or refuses to select and appoint a new principal, as specified by subsection (c) of Section 34-2.2, the general superintendent may select and appoint a new principal on an interim basis for an additional year or until a new contract principal is selected by the local school council. There shall be no discrimination on the basis of race, sex, creed, color, or disability unrelated to ability to perform in connection with the submission of candidates for, and the selection of a candidate to serve as principal of an attendance center. No person shall be directly selected, listed as a candidate for, or selected to serve as principal of an attendance center (i) if such person has been removed for cause from employment by the Board or (ii) if such person does not hold a valid Professional Educator License issued under Article 21B and endorsed as required by that Article for the position of principal. A principal whose performance contract is not renewed as provided under subsection (c) of Section 34-2.2 may nevertheless, if otherwise qualified and licensed

as herein provided and if he or she has received a satisfactory rating as provided in subsection (h) of Section 34-8.3, be included by a local school council as one of the 3 candidates listed in order of preference on any candidate list from which one person is to be selected to serve as principal of the attendance center under a new performance contract. The initial candidate list required to be submitted by a local school council to the general superintendent in cases where the local school council does not renew the performance contract of its principal and does not directly select a new principal to serve under a 4-year ~~4 year~~ performance contract shall be submitted not later than 30 days prior to the expiration of the current performance contract. In cases where the local school council fails or refuses to submit the candidate list to the general superintendent no later than 30 days prior to the expiration of the incumbent principal's contract, the general superintendent may appoint a principal on an interim basis for a period not to exceed one year, during which time the local school council shall be able to select a new principal with 7 affirmative votes as provided in subsection (c) of Section 34-2.2. In cases where a principal is removed for cause or a vacancy otherwise occurs in the position of principal and the vacancy is not filled by direct selection by the local school council, the candidate list shall be submitted by the local school council to the general superintendent within 90 days after the date such removal or vacancy occurs. In cases where the local school council fails or refuses to submit the candidate list to the general superintendent within 90 days after the date of the vacancy, the general superintendent may appoint a principal on an interim basis for a period of one year, during which time the local school council shall be able to select a new principal with 7 affirmative votes as provided in subsection (c) of Section 34-2.2.

2.5. Whenever a vacancy in the office of a principal occurs for any reason, the vacancy shall be filled in the manner provided by this Section by the selection of a new principal to serve under a 4-year ~~4 year~~ performance contract.

3. To establish additional criteria to be included as part of the performance contract of its principal, provided that such additional criteria shall not discriminate on the basis of race, sex, creed, color, or disability unrelated to ability to perform, and shall not be inconsistent with the uniform 4-year ~~4 year~~ performance contract for principals developed by the board as provided in Section 34-8.1 of this ~~the School~~ Code or with other provisions of this Article governing the authority and responsibility of principals.

4. To approve the expenditure plan prepared by the principal with respect to all funds allocated and distributed to the attendance center by the Board. The expenditure plan shall be administered by the principal. Notwithstanding any other provision of this Code ~~Act~~ or any other law, any expenditure plan approved and administered under this Section 34-2.3 shall be consistent with and subject to the terms of any contract for services with a third party entered into by the Chicago School Reform Board of Trustees or the board under this Code ~~Act~~.

Via a supermajority vote of 8 members of a local school council enrolling students through the 8th grade or 9 members of a local school council at a secondary attendance center or an attendance center enrolling students in grades 7 through 12, the Council may transfer allocations pursuant to this Section 34-2.3 within funds; provided that such a transfer is consistent with applicable law and collective bargaining agreements.

Beginning in fiscal year 1991 and in each fiscal year thereafter, the Board may reserve up to 1% of its total fiscal year budget for distribution on a prioritized basis to schools throughout the school system in order to assure adequate programs to meet the needs of special student populations as determined by the Board. This distribution shall take into account the needs catalogued in the Systemwide Plan and the various local school improvement plans of the local school councils. Information about these centrally funded programs shall be distributed to the local school councils so that their subsequent planning and programming will account for these provisions.

Beginning in fiscal year 1991 and in each fiscal year thereafter, from other amounts available in the applicable fiscal year budget, the board shall allocate a lump sum amount to each local school based upon such formula as the board shall determine taking into account the special needs of the student body. The local school principal shall develop an expenditure plan in consultation with the local school council, the professional personnel leadership committee and with all other school personnel, which reflects the priorities and activities as described in the school's local school improvement plan and is consistent with applicable law and collective bargaining agreements and with board policies and standards; however, the local school council shall have the right to request

waivers of board policy from the board of education and waivers of employee collective bargaining agreements pursuant to Section 34-8.1a.

The expenditure plan developed by the principal with respect to amounts available from the fund for prioritized special needs programs and the allocated lump sum amount must be approved by the local school council.

The lump sum allocation shall take into account the following principles:

a. Teachers: Each school shall be allocated funds equal to the amount appropriated in the previous school year for compensation for teachers (regular grades kindergarten through 12th grade) plus whatever increases in compensation have been negotiated contractually or through longevity as provided in the negotiated agreement. Adjustments shall be made due to layoff or reduction in force, lack of funds or work, change in subject requirements, enrollment changes, or contracts with third parties for the performance of services or to rectify any inconsistencies with system-wide allocation formulas or for other legitimate reasons.

b. Other personnel: Funds for other teacher licensed and nonlicensed personnel paid through non-categorical funds shall be provided according to system-wide formulas based on student enrollment and the special needs of the school as determined by the Board.

c. Non-compensation items: Appropriations for all non-compensation items shall be based on system-wide formulas based on student enrollment and on the special needs of the school or factors related to the physical plant, including, but not limited to, textbooks, electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks, supplies, electricity, equipment, and routine maintenance.

d. Funds for categorical programs: Schools shall receive personnel and funds based on, and shall use such personnel and funds in accordance with State and federal ~~Federal~~ requirements applicable to each categorical program provided to meet the special needs of the student body (including, but not limited to, Federal Chapter I, Bilingual, and Special Education).

d.1. Funds for State Title I: Each school shall receive funds based on State and Board requirements applicable to each State Title I pupil provided to meet the special needs of the student body. Each school shall receive the proportion of funds as provided in Section 18-8 or 18-8.15 to which they are entitled. These funds shall be spent only with the budgetary approval of the local school council ~~Local School Council~~ as provided in Section 34-2.3.

e. The local school council ~~Local School Council~~ shall have the right to request the principal to close positions and open new ones consistent with the provisions of the local school improvement plan provided that these decisions are consistent with applicable law and collective bargaining agreements. If a position is closed, pursuant to this paragraph, the local school shall have for its use the system-wide average compensation for the closed position.

f. Operating within existing laws and collective bargaining agreements, the local school council shall have the right to direct the principal to shift expenditures within funds.

g. (Blank).

Any funds unexpended at the end of the fiscal year shall be available to the board of education for use as part of its budget for the following fiscal year.

5. To make recommendations to the principal concerning textbook selection and concerning curriculum developed pursuant to the school improvement plan which is consistent with systemwide curriculum objectives in accordance with Sections 34-8 and 34-18 of this ~~the School~~ Code and in conformity with the collective bargaining agreement.

6. To advise the principal concerning the attendance and disciplinary policies for the attendance center, subject to the provisions of this Article and Article 26, and consistent with the uniform system of discipline established by the board pursuant to Section 34-19.

7. To approve a school improvement plan developed as provided in Section 34-2.4. The process and schedule for plan development shall be publicized to the entire school community, and the community shall be afforded the opportunity to make recommendations concerning the plan. At least twice a year the principal and local school council shall report publicly on progress and problems with respect to plan implementation.

8. To evaluate the allocation of teaching resources and other licensed and nonlicensed staff to the attendance center to determine whether such allocation is consistent with and in furtherance of instructional objectives and school programs reflective of the school improvement plan adopted for

the attendance center; and to make recommendations to the board, the general superintendent, and the principal concerning any reallocation of teaching resources or other staff whenever the council determines that any such reallocation is appropriate because the qualifications of any existing staff at the attendance center do not adequately match or support instructional objectives or school programs which reflect the school improvement plan.

9. To make recommendations to the principal and the general superintendent concerning their respective appointments, after August 31, 1989, and in the manner provided by Section 34-8 and Section 34-8.1, of persons to fill any vacant, additional, or newly created positions for teachers at the attendance center or at attendance centers which include the attendance center served by the local school council.

10. To request of the Board the manner in which training and assistance shall be provided to the local school council. Pursuant to Board guidelines a local school council is authorized to direct the Board of Education to contract with personnel or not-for-profit organizations not associated with the school district to train or assist council members. If training or assistance is provided by contract with personnel or organizations not associated with the school district, the period of training or assistance shall not exceed 30 hours during a given school year; the person shall not be employed on a continuous basis longer than said period and shall not have been employed by the Chicago Board of Education within the preceding six months. Council members shall receive training in at least the following areas:

1. school budgets;

2. educational theory pertinent to the attendance center's particular needs, including the development of the school improvement plan and the principal's performance contract; and

3. personnel selection.

Council members shall, to the greatest extent possible, complete such training within 90 days of election.

11. In accordance with systemwide guidelines contained in the System-Wide Educational Reform Goals and Objectives Plan, criteria for evaluation of performance shall be established for local school councils and local school council members. If a local school council persists in noncompliance with systemwide requirements, the Board may impose sanctions and take necessary corrective action, consistent with Section 34-8.3.

12. Each local school council shall comply with the Open Meetings Act and the Freedom of Information Act. Each local school council shall issue and transmit to its school community a detailed annual report accounting for its activities programmatically and financially. Each local school council shall convene at least 2 well-publicized meetings annually with its entire school community. These meetings shall include presentation of the proposed local school improvement plan, of the proposed school expenditure plan, and the annual report, and shall provide an opportunity for public comment.

13. Each local school council is encouraged to involve additional non-voting members of the school community in facilitating the council's exercise of its responsibilities.

14. In this subdivision 14, "religious hairstyles, hair-related religious practices, or facial hair" has the meaning given to that term in Section 10-22.25b.

The local school council may adopt a school uniform or dress code policy that governs the attendance center and that is necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety, consistent with the policies and rules of the Board of Education. A school uniform or dress code policy adopted by a local school council: (i) shall not be applied in such manner as to discipline or deny attendance to a transfer student or any other student for noncompliance with that policy during such period of time as is reasonably necessary to enable the student to acquire a school uniform or otherwise comply with the dress code policy that is in effect at the attendance center into which the student's enrollment is transferred; (ii) shall include criteria and procedures under which the local school council will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family in complying with an applicable school uniform or dress code policy; (iii) shall not include or apply to hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists, or religious hairstyles, hair-related religious practices, or facial hair worn in accordance with a student's sincerely held religious beliefs, observance, or practice, including, but not limited to, uncut hair or sidelocks (known as payot or peyos), or beards, mustaches, or other facial hair; and (iv) shall not prohibit the right of a student to wear or accessorize the student's

graduation attire with items associated with the student's cultural, ethnic, or religious identity or any other protected characteristic or category identified in subsection (Q) of Section 1-103 of the Illinois Human Rights Act.

Nothing in item (iii) of this subdivision 14 prohibits a school from requiring that hair or facial hair be secured, covered, or otherwise controlled during a specific activity if necessary to prevent endangerment of student health or safety, as long as the requirement is applied in the least restrictive manner practicable and does not require cutting, shaving, or other permanent alteration.

A student whose parents or legal guardians object on religious grounds to the student's compliance with an applicable school uniform or dress code policy shall not be required to comply with that policy if the student's parents or legal guardians present to the local school council a signed statement of objection detailing the grounds for the objection. If a local school council does not comply with the requirements and prohibitions set forth in this subdivision ~~paragraph~~ 14, the attendance center is subject to the penalty imposed pursuant to subsection (a) of Section 2-3.25.

15. All decisions made and actions taken by the local school council in the exercise of its powers and duties shall comply with State and federal laws, all applicable collective bargaining agreements, court orders, and rules properly promulgated by the Board.

15a. To grant, in accordance with board rules and policies, the use of assembly halls and classrooms when not otherwise needed, including lighting, heat, and attendants, for public lectures, concerts, and other educational and social activities.

15b. To approve, in accordance with board rules and policies, receipts and expenditures for all internal accounts of the attendance center, and to approve all fund-raising activities by nonschool organizations that use the school building.

16. (Blank).

~~17.~~ Names and addresses of local school council members shall be a matter of public record.

(Source: P.A. 102-360, eff. 1-1-22; 102-677, eff. 12-3-21; 102-894, eff. 5-20-22; 103-463, eff. 8-4-23; revised 6-27-25.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

SENATE BILL RECALLED

On motion of Senator Arellano Jr., **Senate Bill No. 1573** was recalled from the order of third reading to the order of second reading.

Senator Arellano Jr. offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1573

AMENDMENT NO. 1 . Amend Senate Bill 1573 on page 1, line 5, by replacing "Sections 2-103 and 2-105" with "Section 2-103"; and

by deleting line 3 on page 2 through line 9 on page 3.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Belt, **Senate Bill No. 2645** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 48; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Koehler	Tracy
Aquino	Faraci	Lewis	Turner, D.
Arellano, L.	Feigenholtz	Lightford	Turner, S.
Balkema	Fowler	Loughran Cappel	Ventura
Belt	Glowiak Hilton	McClure	Villa
Bryant	Guzmán	Murphy	Villanueva
Castro	Harris, N.	Plummer	Walker
Cervantes	Harriss, E.	Porfirio	Wilcox
Chesney	Hastings	Rose	Mr. President
Collins	Hills	Simmons	
Cunningham	Hunter	Sims	
Curran	Jones, E.	Stadelman	
Edly-Allen	Joyce	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Cervantes, **Senate Bill No. 2846** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 48; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Koehler	Tracy
Aquino	Faraci	Lewis	Turner, D.
Arellano, L.	Feigenholtz	Lightford	Turner, S.
Balkema	Fowler	Loughran Cappel	Ventura
Belt	Glowiak Hilton	McClure	Villa
Bryant	Guzmán	Murphy	Villanueva
Castro	Harris, N.	Plummer	Walker
Cervantes	Harriss, E.	Porfirio	Wilcox
Chesney	Hastings	Rose	Mr. President
Collins	Hills	Simmons	
Cunningham	Hunter	Sims	
Curran	Jones, E.	Stadelman	
Edly-Allen	Joyce	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Belt, **Senate Bill No. 2909** was recalled from the order of third reading to the order of second reading.

Senator Belt offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2909

AMENDMENT NO. 1 . Amend Senate Bill 2909 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 24A-5 as follows:

(105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

Sec. 24A-5. Content of evaluation plans. This Section does not apply to teachers assigned to schools identified in an agreement entered into between the board of a school district operating under Article 34 of this Code and the exclusive representative of the district's teachers in accordance with Section 34-85c of this Code.

Each school district to which this Article applies shall establish a teacher evaluation plan which ensures that each teacher in contractual continued service is evaluated at least once in the course of every 2 or 3 school years as provided in this Section.

Each school district shall establish a teacher evaluation plan that ensures that:

(1) each teacher not in contractual continued service is evaluated at least once every school year; and

(2) except as otherwise provided in this Section, each teacher in contractual continued service is evaluated at least once in the course of every 2 school years. However, any teacher in contractual continued service whose performance is rated as either "needs improvement" or "unsatisfactory" must be evaluated at least once in the school year following the receipt of such rating.

No later than September 1, 2022, each school district must establish a teacher evaluation plan that ensures that each teacher in contractual continued service whose performance is rated as either "excellent" or "proficient" is evaluated at least once in the course of the 3 school years after receipt of the rating and implement an informal teacher observation plan established by agency rule and by agreement of the joint committee established under subsection (b) of Section 24A-4 of this Code that ensures that each teacher in contractual continued service whose performance is rated as either "excellent" or "proficient" is informally observed at least once in the course of the 2 school years after receipt of the rating.

Notwithstanding anything to the contrary in this Section or any other Section of this Code, a principal shall not be prohibited from evaluating any teachers within a school during his or her first year as principal of such school. If a first-year principal exercises this option in a school district where the evaluation plan provides for a teacher in contractual continued service to be evaluated once in the course of every 2 or 3 school years, as applicable, then a new 2-year or 3-year evaluation plan must be established.

The evaluation plan shall comply with the requirements of this Section and of any rules adopted by the State Board of Education pursuant to this Section.

The plan shall include a description of each teacher's duties and responsibilities and of the standards to which that teacher is expected to conform, and shall include at least the following components:

(a) personal observation of the teacher in the classroom by the evaluator, unless the teacher has no classroom duties.

(b) consideration of the teacher's attendance, planning, instructional methods, classroom management, where relevant, and competency in the subject matter taught.

(c) (blank).

(d) (blank).

(e) rating of the performance of all teachers as "excellent", "proficient", "needs improvement" or "unsatisfactory".

(f) specification as to the teacher's strengths and weaknesses, with supporting reasons for the comments made.

(g) inclusion of a copy of the evaluation in the teacher's personnel file and provision of a copy to the teacher.

(h) within 30 school days after the completion of an evaluation rating a teacher in contractual continued service as "needs improvement", development by the evaluator, in consultation with the teacher, and taking into account the teacher's ongoing professional responsibilities including his or her regular teaching assignments, of a professional development plan directed to the areas that need improvement and any supports that the district will provide to address the areas identified as needing improvement.

(i) within 30 school days after completion of an evaluation rating a teacher in contractual continued service as "unsatisfactory", development and commencement by the district of a remediation plan designed to correct deficiencies cited, provided the deficiencies are deemed remediable. In all school districts the remediation plan for unsatisfactory, tenured teachers shall provide for 90 school days of remediation within the classroom, unless an applicable collective bargaining agreement provides for a shorter duration. In all school districts evaluations issued pursuant to this Section shall be issued within 10 days after the conclusion of the respective remediation plan. However, the school board or other governing authority of the district shall not lose jurisdiction to discharge a teacher in the event the evaluation is not issued within 10 days after the conclusion of the respective remediation plan.

(j) participation in the remediation plan by the teacher in contractual continued service rated "unsatisfactory", an evaluator and a consulting teacher selected by the evaluator of the teacher who was rated "unsatisfactory", which consulting teacher is an educational employee as defined in the Illinois Educational Labor Relations Act, has at least 5 years' teaching experience, and a reasonable familiarity with the assignment of the teacher being evaluated, and who received an "excellent" rating on his or her most recent evaluation. Where no teachers who meet these criteria are available within the district, the district shall request and the applicable regional office of education shall supply, to participate in the remediation process, an individual who meets these criteria.

In a district having a population of less than 500,000 with an exclusive bargaining agent, the bargaining agent may, if it so chooses, supply a roster of qualified teachers from whom the consulting teacher is to be selected. That roster shall, however, contain the names of at least 5 teachers, each of whom meets the criteria for consulting teacher with regard to the teacher being evaluated, or the names of all teachers so qualified if that number is less than 5. In the event of a dispute as to qualification, the State Board shall determine qualification.

(k) a mid-point and final evaluation by an evaluator during and at the end of the remediation period, immediately following receipt of a remediation plan provided for under subsections (i) and (j) of this Section. Each evaluation shall assess the teacher's performance during the time period since the prior evaluation; provided that the last evaluation shall also include an overall evaluation of the teacher's performance during the remediation period. A written copy of the evaluations and ratings, in which any deficiencies in performance and recommendations for correction are identified, shall be provided to and discussed with the teacher within 10 school days after the date of the evaluation, unless an applicable collective bargaining agreement provides to the contrary. These subsequent evaluations shall be conducted by an evaluator. The consulting teacher shall provide advice to the teacher rated "unsatisfactory" on how to improve teaching skills and to successfully complete the remediation plan. The consulting teacher shall participate in developing the remediation plan, but the final decision as to the evaluation shall be done solely by the evaluator, unless an applicable collective bargaining agreement provides to the contrary. Evaluations at the conclusion of the remediation process shall be separate and distinct from the required annual evaluations of teachers and shall not be subject to the guidelines and procedures relating to those annual evaluations. The evaluator may but is not required to use the forms provided for the annual evaluation of teachers in the district's evaluation plan.

(l) reinstatement to the evaluation schedule set forth in the district's evaluation plan for any teacher in contractual continued service who achieves a rating equal to or better than "satisfactory" or "proficient" in the school year following a rating of "needs improvement" or "unsatisfactory".

(m) dismissal in accordance with subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this Code of any teacher who fails to complete any applicable remediation plan with a rating equal to or better than a "satisfactory" or "proficient" rating. Districts and teachers subject to dismissal hearings are precluded from compelling the testimony of consulting teachers at such hearings under subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this Code, either as to the rating process or for opinions of performances by teachers under remediation.

(n) If a teacher in contractual continued service successfully completes a remediation plan following a rating of "unsatisfactory" in an overall performance evaluation received after the foregoing implementation date and receives a subsequent rating of "unsatisfactory" in any of the teacher's overall performance evaluation ratings received during the 36-month period following the teacher's completion of the remediation plan, then the school district may forgo remediation and seek dismissal in accordance with subsection (d) of Section 24-12 or Section 34-85 of this Code.

(o) Teachers who are due to be evaluated in the last year before they are set to retire shall be offered the opportunity to waive their evaluation and to retain their most recent rating, unless the teacher was last rated as "needs improvement" or "unsatisfactory". The school district may still reserve the right to evaluate a teacher provided the district gives notice to the teacher at least 14 days before the evaluation and a reason for evaluating the teacher.

An evaluator is prohibited from using an artificial intelligence tool to assign a numerical score or qualitative rating, such as "excellent", "proficient", "need improvement", or "unsatisfactory", for any component of a teacher's evaluation or any evaluation task that requires professional judgment. However, an artificial intelligence tool may be used to support the evaluator in administrative tasks.

A teacher is prohibited from using an artificial intelligence tool to generate evidence of professional practice that will be used by an evaluator to evaluate the teacher's performance. However, an artificial intelligence tool may be used by a teacher to support the teacher in administrative tasks.

The joint committee under subsection (b-5) of Section 24A-4 shall determine how artificial intelligence tools may be used in accordance with paragraphs (a) through (o). If an evaluator uses an artificial intelligence tool, the name and specific purpose of the artificial intelligence tool must be disclosed to the teacher being evaluated. If a teacher uses an artificial intelligence tool, the name and specific purpose of the artificial intelligence tool must be disclosed to the evaluator evaluating the teacher.

Nothing in this Section or Section 24A-4 shall be construed as preventing immediate dismissal of a teacher for deficiencies which are deemed irremediable or for actions which are injurious to or endanger the health or person of students in the classroom or school, or preventing the dismissal or non-renewal of teachers not in contractual continued service for any reason not prohibited by applicable employment, labor, and civil rights laws. Failure to strictly comply with the time requirements contained in Section 24A-5 shall not invalidate the results of the remediation plan.

Nothing contained in Public Act 98-648 repeals, supersedes, invalidates, or nullifies final decisions in lawsuits pending on July 1, 2014 (the effective date of Public Act 98-648) in Illinois courts involving the interpretation of Public Act 97-8.

If the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act that suspends in-person instruction, the timelines in this Section connected to the commencement and completion of any remediation plan are waived. Except if the parties mutually agree otherwise and the agreement is in writing, any remediation plan that had been in place for more than 45 days prior to the suspension of in-person instruction shall resume when in-person instruction resumes and any remediation plan that had been in place for fewer than 45 days prior to the suspension of in-person instruction shall be discontinued and a new remediation period shall begin when in-person instruction resumes. The requirements of this paragraph apply regardless of whether they are included in a school district's teacher evaluation plan.

(Source: P.A. 103-85, eff. 6-9-23; 103-605, eff. 7-1-24; 104-20, eff. 7-1-25; 104-417, eff. 8-15-25.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Hastings, **Senate Bill No. 2949** was recalled from the order of third reading to the order of second reading.

Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2949

AMENDMENT NO. 1 . Amend Senate Bill 2949 on page 1, line 5, by replacing "Section 5" with "Sections 5, 10, 20, and 22"; and

on page 6, line 26, by replacing "immediate" with "~~immediate~~"; and

on page 7, line 4, by replacing "in order" with "~~in order~~"; and

on page 7, line 9, by replacing "~~DNA~~" with "biological ~~DNA~~"; and

by replacing line 25 on page 9 through line 11 on page 11 with the following:

"(E) Biological samples from ~~closely related family members of the missing person or biological samples from personal items of~~ the missing person, along with any consent forms, required for the entry of a DNA profile into ~~in~~ the Combined DNA Index System CODIS. If biological samples are not available from the missing person, then biological samples may be used from biological relatives of the missing person. Biological samples from relatives must be provided voluntarily, and all consent and information forms must be completed and submitted with the samples~~, including, but not limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS)~~.

(3) Biological samples collected for DNA analysis, if any, shall be submitted to an accredited forensic laboratory for DNA testing for entry by a National DNA Index System (NDIS) participating laboratory ~~a Combined DNA Index System (CODIS) or other accredited laboratory where DNA profiles are entered into local, State, and national DNA Index Systems~~ within 90 days from the date of the police report. Illinois State Police laboratories shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases. All biological samples and subsequent DNA profiles, if any, obtained in missing person cases from family members of the missing person or from ~~personal items of~~ the missing person may not be retained after the location or identification of the remains of the missing person unless there is a search warrant signed by a court of competent jurisdiction.

(4) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the specified periods.

(5) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purposes of this Act. Law enforcement agencies may not close a missing person case until the missing person has returned or been located, either alive or deceased. Law enforcement agencies shall keep cases under active investigation until the missing person is located or returned. Reasons for closing a missing person case may not include exhaustion of leads or termination of the anticipated life span of the missing person.

(Source: P.A. 104-339, eff. 1-1-26.)

(50 ILCS 722/10)

Sec. 10. Law enforcement analysis and reporting of missing person information.

(a) Prompt determination and definition of a high-risk missing person.

(1) Definition. "High-risk missing person" means a person whose whereabouts are not currently known and whose circumstances indicate that the person may be at risk of injury or death. The circumstances that indicate that a person is a high-risk missing person include, but are not limited to, any of the following:

(A) the person is missing as a result of a stranger abduction;

(B) the person is missing under suspicious circumstances;

(C) the person is missing under unknown circumstances;

(D) the person is missing under known dangerous circumstances;

(E) the person is missing more than 60 days;

(F) the person has already been designated as a high-risk missing person by another law enforcement agency;

(G) there is evidence that the person is at risk because:

(i) the person is in need of medical attention, including but not limited to persons with dementia-like symptoms, or prescription medication;

(ii) the person does not have a pattern of running away or disappearing;

(iii) the person may have been abducted by a non-custodial parent;

(iv) the person is mentally impaired, including, but not limited to, a person having a developmental disability, as defined in Section 1-106 of the Mental Health and Developmental Disabilities Code, or a person having an intellectual disability, as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code;

(v) the person is under the age of 21;

(vi) the person has been the subject of past threats or acts of violence;

(vii) the person has gone missing from a facility licensed under the Nursing Home Care Act;

(G-5) the person is a veteran or active duty member of the United States Armed Forces, the National Guard, or any reserve component of the United States Armed Forces who is believed to have a physical or mental health condition that is related to his or her service; or

(H) any other factor that may, in the judgment of the law enforcement official, indicate that the missing person may be at risk.

(b) Law enforcement risk assessment.

(1) Upon initial receipt of a missing person report, the law enforcement agency shall immediately determine whether there is a basis to determine that the missing person is a high-risk missing person.

(2) If a law enforcement agency has previously determined that a missing person is not a high-risk missing person, but obtains new information, it shall immediately determine whether the information indicates that the missing person is a high-risk missing person.

(3) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purposes of this Act.

(c) Law enforcement reporting.

(1) Upon receipt of a missing person report, the responding local law enforcement agency shall enter all collected information relating to the missing person case in the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC). The database entries shall remain on file indefinitely or until action is taken by the originating agency to clear or cancel the record. In addition, if the missing person remains missing for 60 days after the date of the report, the law enforcement agency shall immediately generate a report of the missing person within the National Missing and Unidentified Persons System (NamUs) as required under paragraph (2) of subsection (d) of Section 5. The information shall be entered as follows:

(A) For Illinois State Police laboratories or other accredited forensic laboratories for DNA testing, ~~all laboratories,~~ all appropriate DNA profiles~~, as determined by the Illinois State Police,~~ shall be uploaded into the missing person database ~~appropriate index~~ of the State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for database entry. The responding local law enforcement agency shall attempt to collect and submit any DNA samples voluntarily obtained from family members to an accredited forensic ~~Combined DNA Index System (CODIS)~~ laboratory for DNA testing for entry by a National DNA Index System (NDIS) participating laboratory ~~analysis~~ within 90 days from the date of the police report. A notation of DNA submission may be made within the National Missing and Unidentified Persons System (NamUs) record.

(B) If the missing person remains missing for 60 days from the date of the report and if reporting requirements for entry into the Federal Bureau of Investigation's Violent Criminal Apprehension Program are met, the law enforcement agency shall enter the missing person case into the Federal Bureau of Investigation's Violent Criminal Apprehension Program database.

(C) The Illinois State Police or other assigned law enforcement agency shall ensure that persons entering data relating to medical or dental records in State or federal databases are specifically trained to understand and correctly enter the information sought by these databases. The Illinois State Police shall either use a person with specific expertise in medical or dental records for this purpose or consult with a chief medical examiner, forensic anthropologist, or odontologist to ensure the accuracy and completeness of information entered into the State and federal databases.

(2) The Illinois State Police shall immediately notify all law enforcement agencies within this State and the surrounding region of the information that will aid in the prompt location and safe return of the high-risk missing person.

(3) The local law enforcement agencies that receive the notification from the Illinois State Police shall notify officers to be on the lookout for the missing person or a suspected abductor.

(4) Pursuant to any applicable State criteria, local law enforcement agencies shall also provide for the prompt use of an Amber Alert in cases involving abducted children; or use of the Endangered Missing Person Advisory in appropriate high-risk missing person cases.

(Source: P.A. 104-339, eff. 1-1-26; revised 11-20-25.)

(50 ILCS 722/20)

Sec. 20. Unidentified persons or human remains identification responsibilities.

(a) In this Section, "assisting law enforcement agency" means a law enforcement agency with jurisdiction acting under the request and direction of the medical examiner or coroner to assist with human remains identification.

(a-5) If the official with custody of the human remains is not a coroner or medical examiner, the official shall immediately notify the coroner or medical examiner of the county in which the remains were found. The coroner or medical examiner shall go to the scene and take charge of the remains.

(b) Notwithstanding any other action deemed appropriate for the handling of the human remains, the assisting law enforcement agency, medical examiner, or coroner shall make reasonable attempts to promptly identify human remains. This does not include historic or prehistoric skeletal remains. These actions shall include, but are not limited to, obtaining the following when possible:

(1) photographs of the human remains (prior to an autopsy);

(2) dental and skeletal radiographs;

(3) photographs of items found on or with the human remains;

(4) fingerprints from the remains;

(5) tissue samples suitable for DNA analysis;

(6) (blank); and

(7) any other information that may support identification efforts.

(c) No medical examiner or coroner or any other person shall dispose of, or engage in actions that will materially affect the unidentified human remains before the assisting law enforcement agency, medical examiner, or coroner obtains items essential for human identification efforts listed in subsection (b) of this Section.

(d) Cremation of unidentified human remains is prohibited.

(e) (Blank).

(f) The assisting law enforcement agency, medical examiner, or coroner shall seek support from appropriate State and federal agencies, including National Missing and Unidentified Persons System resources to facilitate prompt identification of human remains. This support may include, but is not limited to, fingerprint comparison; forensic odontology; nuclear or mitochondrial DNA analysis, or both; and forensic anthropology.

(f-5) In this subsection, "local, State, and federal automated fingerprint identification system databases" includes:

(1) local criminal history repositories;

(2) the Illinois State Police Automated Biometric Identification System (ABIS), both criminal and civil, and any successor databases; and

(3) the Next Generation Integrated Automated Fingerprint Identification System (NGI) and other federal fingerprint databases, including immigration and military databases and the Repository for Individuals of Special Concern (RISC), and any successor databases.

It is the responsibility of the submitting agency to ensure the following steps are completed in the following order:

(1) Fingerprints from unidentified human remains, including partial prints, if any, shall be submitted for analysis within 7 days of recovery of the remains by the assisting law enforcement agency, medical examiner, or coroner to all local, State, and federal automated fingerprint identification system databases.

(2) The submitting agency shall ensure fingerprints are appropriately searched for identification purposes.

If there are no matches in any of the local, State, and federal automated fingerprint identification system databases, the unidentified fingerprint records shall be uploaded to the National Missing and Unidentified Persons System (NamUs) within 60 days after recovery of the remains. If no matches are made in the local, State, and federal automated fingerprint identification system databases, the submitting agency may contact the International Criminal Police Organization (INTERPOL) to search through the automated fingerprint identification system databases of member countries if remains are believed to have an international nexus. If the fingerprint analysis does not aid in the identification of the remains, then the assisting law enforcement agency, coroner, or medical examiner shall cause a dental examination to be performed by a forensic odontologist within 45 days of recovery of the remains for the purpose of dental

charting, direct comparison to missing person dental records, and uploading to the National Crime Information Center (NCIC) and National Missing and Unidentified Persons System (NamUs). If the fingerprint and dental analysis does not aid in the identification of the remains, then blood, tissue, or bone samples from the unidentified remains shall be submitted for DNA analysis within 90 days of the recovery of the remains to a an ~~Combined DNA Index System (CODIS)~~ accredited forensic laboratory for DNA testing for entry by a National DNA Index System (NDIS) participating laboratory ~~where DNA profiles are entered into the National DNA Index System upon completion of testing~~. In the case of markedly decomposed or skeletal remains, a forensic anthropological analysis of the remains, authorized by the coroner or medical examiner, shall also be performed within 60 days from the recovery and preparation of the remains for the analysis.

(g) (Blank).

(g-2) The medical examiner~~,~~ or coroner shall cause the entry of a National Crime Information Center Unidentified Person record within 5 days of the discovery of the remains. In the case of markedly decomposed or skeletal remains, the creation of a National Crime Information Center (NCIC) Unidentified Person File shall be made upon receipt of the anthropological analysis report. The medical examiner or coroner shall provide the assisting law enforcement agency with all information required for the National Crime Information Center (NCIC) entry. Upon receipt of this information, the assisting law enforcement agency shall create the Unidentified Person record without unnecessary delay. In the case of markedly decomposed or skeletal remains, the creation of a National Crime Information Center (NCIC) Unidentified Person File shall be made upon receipt of the anthropological analysis report. If an anthropological analysis report determines the remains to be historic or prehistoric, then no NCIC entry is required.

(g-5) The medical examiner or coroner shall obtain a National Crime Information Center number from the assisting law enforcement agency to verify entry and maintain this number within the unidentified human remains case file. A National Crime Information Center Unidentified Person record shall remain on file indefinitely or until action is taken by the originating agency to clear or cancel the record. The medical examiner or coroner shall notify the assisting law enforcement agency of necessary record modifications or cancellation if identification is made.

(h) (Blank).

(h-5) No later than 60 days following the discovery of the remains, the assisting law enforcement agency, medical examiner, or coroner shall create an unidentified person record in the National Missing and Unidentified Persons System if no identification has been made. The entry shall include all available case information, including fingerprint data and dental radiographs and charts. A notation of DNA submission shall be made within the National Missing and Unidentified Persons System Unidentified Person record.

(i) Nothing in this Act shall be interpreted to preclude any assisting law enforcement agency, medical examiner, coroner, or the Illinois State Police from pursuing other efforts to identify human remains including efforts to publicize information, descriptions, or photographs related to the investigation. An assisting law enforcement agency, a medical examiner, a coroner, or the Illinois State Police may not close an unidentified person case until the individual has been identified. Law enforcement agencies, medical examiners, and coroners shall keep such cases under active investigation until the person is identified. Reasons for closing an unidentified person case may not include exhaustion of leads or termination of the anticipated life span of the missing person's next of kin.

(j) For historic or prehistoric human skeletal remains determined by an anthropologist to be older than 100 years, jurisdiction shall be transferred to the Department of Natural Resources for further investigation under the Archaeological and Paleontological Resources Protection Act.

(Source: P.A. 104-339, eff. 1-1-26; revised 11-20-25.)

(50 ILCS 722/25)

Sec. 25. Unidentified deceased persons. The coroner, medical examiner, or assisting law enforcement agency shall obtain a biological sample from any individual whose remains are not identifiable. The biological sample shall be forwarded to an accredited forensic laboratory for DNA testing for entry by a National DNA Index System (NDIS) participating ~~Combined DNA Index System (CODIS)~~ laboratory where eligible DNA profiles are entered into the Combined DNA Index System (CODIS) ~~the appropriate State and National DNA Index System~~ within 90 days from the discovery of the remains.

Prior to the burial or interment of any unknown individual's remains or any unknown individual's body part, the medical examiner or coroner in possession of the remains or body part must assign a case number to the unknown individual or body part. The medical examiner or coroner shall place a

stainless-steel tag that is stamped or inscribed with the assigned case number on the individual or body part and on the outside of the burial container.
(Source: P.A. 104-339, eff. 1-1-26.)".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2949

AMENDMENT NO. 2 . Amend Senate Bill 2949 on page 1, line 5, by replacing "Section 5" with "Sections 5, 10, 20, and 25"; and

on page 6, line 26, by replacing "immediate" with "~~immediate~~"; and

on page 7, line 4, by replacing "in order" with "~~in order~~"; and

on page 7, line 9, by replacing "DNA" with "biological ~~DNA~~"; and

by replacing line 25 on page 9 through line 11 on page 11 with the following:

"(E) Biological samples from ~~closely related family members of the missing person or biological samples from personal items of~~ the missing person, along with any consent forms, required for the entry of a DNA profile into ~~in~~ the Combined DNA Index System (CODIS). If biological samples are not available from the missing person, then biological samples may be used from biological relatives of the missing person. Biological samples from relatives must be provided voluntarily, and all consent and information forms must be completed and submitted with the samples~~, including, but not limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS)~~.

(3) Biological samples collected for DNA analysis, if any, shall be submitted to an accredited forensic laboratory for DNA testing for entry by a National DNA Index System (NDIS) participating laboratory ~~a Combined DNA Index System (CODIS) or other accredited laboratory where DNA profiles are entered into local, State, and national DNA Index Systems~~ within 90 days from the date of the police report. Illinois State Police laboratories shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases. All biological samples and subsequent DNA profiles, if any, obtained in missing person cases from family members of the missing person or from ~~personal items of~~ the missing person may not be retained after the location or identification of the remains of the missing person unless there is a search warrant signed by a court of competent jurisdiction.

(4) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the specified periods.

(5) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purposes of this Act. Law enforcement agencies may not close a missing person case until the missing person has returned or been located, either alive or deceased. Law enforcement agencies shall keep cases under active investigation until the missing person is located or returned. Reasons for closing a missing person case may not include exhaustion of leads or termination of the anticipated life span of the missing person.
(Source: P.A. 104-339, eff. 1-1-26.)

(50 ILCS 722/10)
Sec. 10. Law enforcement analysis and reporting of missing person information.
(a) Prompt determination and definition of a high-risk missing person.

(1) Definition. "High-risk missing person" means a person whose whereabouts are not currently known and whose circumstances indicate that the person may be at risk of injury or death. The circumstances that indicate that a person is a high-risk missing person include, but are not limited to, any of the following:

(A) the person is missing as a result of a stranger abduction;

(B) the person is missing under suspicious circumstances;

(C) the person is missing under unknown circumstances;

(D) the person is missing under known dangerous circumstances;

(E) the person is missing more than 60 days;

(F) the person has already been designated as a high-risk missing person by another law enforcement agency;

(G) there is evidence that the person is at risk because:

(i) the person is in need of medical attention, including but not limited to persons with dementia-like symptoms, or prescription medication;

(ii) the person does not have a pattern of running away or disappearing;

(iii) the person may have been abducted by a non-custodial parent;

(iv) the person is mentally impaired, including, but not limited to, a person having a developmental disability, as defined in Section 1-106 of the Mental Health and Developmental Disabilities Code, or a person having an intellectual disability, as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code;

(v) the person is under the age of 21;

(vi) the person has been the subject of past threats or acts of violence;

(vii) the person has gone missing from a facility licensed under the Nursing Home Care Act;

(G-5) the person is a veteran or active duty member of the United States Armed Forces, the National Guard, or any reserve component of the United States Armed Forces who is believed to have a physical or mental health condition that is related to his or her service; or

(H) any other factor that may, in the judgment of the law enforcement official, indicate that the missing person may be at risk.

(b) Law enforcement risk assessment.

(1) Upon initial receipt of a missing person report, the law enforcement agency shall immediately determine whether there is a basis to determine that the missing person is a high-risk missing person.

(2) If a law enforcement agency has previously determined that a missing person is not a high-risk missing person, but obtains new information, it shall immediately determine whether the information indicates that the missing person is a high-risk missing person.

(3) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purposes of this Act.

(c) Law enforcement reporting.

(1) Upon receipt of a missing person report, the responding local law enforcement agency shall enter all collected information relating to the missing person case in the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC). The database entries shall remain on file indefinitely or until action is taken by the originating agency to clear or cancel the record. In addition, if the missing person remains missing for 60 days after the date of the report, the law enforcement agency shall immediately generate a report of the missing person within the National Missing and Unidentified Persons System (NamUs) as required under paragraph (2) of subsection (d) of Section 5. The information shall be entered as follows:

(A) For Illinois State Police laboratories or other accredited forensic laboratories for DNA testing, ~~all laboratories,~~ all appropriate DNA profiles~~, as determined by the Illinois State Police,~~ shall be uploaded into the missing person database ~~appropriate index~~ of the State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for database entry. The responding local law enforcement agency shall attempt to collect and submit any DNA samples voluntarily obtained from family members to an accredited forensic ~~Combined DNA Index System (CODIS)~~ laboratory for DNA testing for entry by a National DNA Index System (NDIS) participating laboratory ~~analysis~~ within 90 days from the date of the police report. A notation of DNA submission may be made within the National Missing and Unidentified Persons System (NamUs) record.

(B) If the missing person remains missing for 60 days from the date of the report and if reporting requirements for entry into the Federal Bureau of Investigation's Violent Criminal

Apprehension Program are met, the law enforcement agency shall enter the missing person case into the Federal Bureau of Investigation's Violent Criminal Apprehension Program database.

(C) The Illinois State Police or other assigned law enforcement agency shall ensure that persons entering data relating to medical or dental records in State or federal databases are specifically trained to understand and correctly enter the information sought by these databases. The Illinois State Police shall either use a person with specific expertise in medical or dental records for this purpose or consult with a chief medical examiner, forensic anthropologist, or odontologist to ensure the accuracy and completeness of information entered into the State and federal databases.

(2) The Illinois State Police shall immediately notify all law enforcement agencies within this State and the surrounding region of the information that will aid in the prompt location and safe return of the high-risk missing person.

(3) The local law enforcement agencies that receive the notification from the Illinois State Police shall notify officers to be on the lookout for the missing person or a suspected abductor.

(4) Pursuant to any applicable State criteria, local law enforcement agencies shall also provide for the prompt use of an Amber Alert in cases involving abducted children; or use of the Endangered Missing Person Advisory in appropriate high-risk missing person cases.

(Source: P.A. 104-339, eff. 1-1-26; revised 11-20-25.)

(50 ILCS 722/20)

Sec. 20. Unidentified persons or human remains identification responsibilities.

(a) In this Section, "assisting law enforcement agency" means a law enforcement agency with jurisdiction acting under the request and direction of the medical examiner or coroner to assist with human remains identification.

(a-5) If the official with custody of the human remains is not a coroner or medical examiner, the official shall immediately notify the coroner or medical examiner of the county in which the remains were found. The coroner or medical examiner shall go to the scene and take charge of the remains.

(b) Notwithstanding any other action deemed appropriate for the handling of the human remains, the assisting law enforcement agency, medical examiner, or coroner shall make reasonable attempts to promptly identify human remains. This does not include historic or prehistoric skeletal remains. These actions shall include, but are not limited to, obtaining the following when possible:

(1) photographs of the human remains (prior to an autopsy);

(2) dental and skeletal radiographs;

(3) photographs of items found on or with the human remains;

(4) fingerprints from the remains;

(5) tissue samples suitable for DNA analysis;

(6) (blank); and

(7) any other information that may support identification efforts.

(c) No medical examiner or coroner or any other person shall dispose of, or engage in actions that will materially affect the unidentified human remains before the assisting law enforcement agency, medical examiner, or coroner obtains items essential for human identification efforts listed in subsection (b) of this Section.

(d) Cremation of unidentified human remains is prohibited.

(e) (Blank).

(f) The assisting law enforcement agency, medical examiner, or coroner shall seek support from appropriate State and federal agencies, including National Missing and Unidentified Persons System resources to facilitate prompt identification of human remains. This support may include, but is not limited to, fingerprint comparison; forensic odontology; nuclear or mitochondrial DNA analysis, or both; and forensic anthropology.

(f-5) In this subsection, "local, State, and federal automated fingerprint identification system databases" includes:

(1) local criminal history repositories;

(2) the Illinois State Police Automated Biometric Identification System (ABIS), both criminal and civil, and any successor databases; and

(3) the Next Generation Integrated Automated Fingerprint Identification System (NGI) and other federal fingerprint databases, including immigration and military databases and the Repository for Individuals of Special Concern (RISC), and any successor databases.

It is the responsibility of the submitting agency to ensure the following steps are completed in the following order:

(1) Fingerprints from unidentified human remains, including partial prints, if any, shall be submitted for analysis within 7 days of recovery of the remains by the assisting law enforcement agency, medical examiner, or coroner to all local, State, and federal automated fingerprint identification system databases.

(2) The submitting agency shall ensure fingerprints are appropriately searched for identification purposes.

If there are no matches in any of the local, State, and federal automated fingerprint identification system databases, the unidentified fingerprint records shall be uploaded to the National Missing and Unidentified Persons System (NamUs) within 60 days after recovery of the remains. If no matches are made in the local, State, and federal automated fingerprint identification system databases, the submitting agency may contact the International Criminal Police Organization (INTERPOL) to search through the automated fingerprint identification system databases of member countries if remains are believed to have an international nexus. If the fingerprint analysis does not aid in the identification of the remains, then the assisting law enforcement agency, coroner, or medical examiner shall cause a dental examination to be performed by a forensic odontologist within 45 days of recovery of the remains for the purpose of dental charting, direct comparison to missing person dental records, and uploading to the National Crime Information Center (NCIC) and National Missing and Unidentified Persons System (NamUs). If the fingerprint and dental analysis does not aid in the identification of the remains, then blood, tissue, or bone samples from the unidentified remains shall be submitted for DNA analysis within 90 days of the recovery of the remains to a an ~~Combined DNA Index System (CODIS)~~ accredited forensic laboratory for DNA testing for entry by a National DNA Index System (NDIS) participating laboratory ~~where DNA profiles are entered into the National DNA Index System upon completion of testing~~. In the case of markedly decomposed or skeletal remains, a forensic anthropological analysis of the remains, authorized by the coroner or medical examiner, shall also be performed within 60 days from the recovery and preparation of the remains for the analysis.

(g) (Blank).

(g-2) The medical examiner~~,~~ or coroner shall cause the entry of a National Crime Information Center Unidentified Person record within 5 days of the discovery of the remains. In the case of markedly decomposed or skeletal remains, the creation of a National Crime Information Center (NCIC) Unidentified Person File shall be made upon receipt of the anthropological analysis report. The medical examiner or coroner shall provide the assisting law enforcement agency with all information required for the National Crime Information Center (NCIC) entry. Upon receipt of this information, the assisting law enforcement agency shall create the Unidentified Person record without unnecessary delay. In the case of markedly decomposed or skeletal remains, the creation of a National Crime Information Center (NCIC) Unidentified Person File shall be made upon receipt of the anthropological analysis report. If an anthropological analysis report determines the remains to be historic or prehistoric, then no NCIC entry is required.

(g-5) The medical examiner or coroner shall obtain a National Crime Information Center number from the assisting law enforcement agency to verify entry and maintain this number within the unidentified human remains case file. A National Crime Information Center Unidentified Person record shall remain on file indefinitely or until action is taken by the originating agency to clear or cancel the record. The medical examiner or coroner shall notify the assisting law enforcement agency of necessary record modifications or cancellation if identification is made.

(h) (Blank).

(h-5) No later than 60 days following the discovery of the remains, the assisting law enforcement agency, medical examiner, or coroner shall create an unidentified person record in the National Missing and Unidentified Persons System if no identification has been made. The entry shall include all available case information, including fingerprint data and dental radiographs and charts. A notation of DNA submission shall be made within the National Missing and Unidentified Persons System Unidentified Person record.

(i) Nothing in this Act shall be interpreted to preclude any assisting law enforcement agency, medical examiner, coroner, or the Illinois State Police from pursuing other efforts to identify human remains including efforts to publicize information, descriptions, or photographs related to the investigation. An

assisting law enforcement agency, a medical examiner, a coroner, or the Illinois State Police may not close an unidentified person case until the individual has been identified. Law enforcement agencies, medical examiners, and coroners shall keep such cases under active investigation until the person is identified. Reasons for closing an unidentified person case may not include exhaustion of leads or termination of the anticipated life span of the missing person's next of kin.

(j) For historic or prehistoric human skeletal remains determined by an anthropologist to be older than 100 years, jurisdiction shall be transferred to the Department of Natural Resources for further investigation under the Archaeological and Paleontological Resources Protection Act.

(Source: P.A. 104-339, eff. 1-1-26; revised 11-20-25.)

(50 ILCS 722/25)

Sec. 25. Unidentified deceased persons. The coroner, medical examiner, or assisting law enforcement agency shall obtain a biological sample from any individual whose remains are not identifiable. The biological sample shall be forwarded to an accredited forensic laboratory for DNA testing for entry by a National DNA Index System (NDIS) participating ~~Combined DNA Index System (CODIS)~~ laboratory where eligible DNA profiles are entered into the Combined DNA Index System (CODIS) ~~the appropriate State and National DNA Index System~~ within 90 days from the discovery of the remains.

Prior to the burial or interment of any unknown individual's remains or any unknown individual's body part, the medical examiner or coroner in possession of the remains or body part must assign a case number to the unknown individual or body part. The medical examiner or coroner shall place a stainless-steel tag that is stamped or inscribed with the assigned case number on the individual or body part and on the outside of the burial container.

(Source: P.A. 104-339, eff. 1-1-26.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Joyce, **Senate Bill No. 3018** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 46; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Koehler	Syverson
Aquino	Faraci	Lewis	Tracy
Arellano, L.	Feigenholtz	Lightford	Turner, D.
Balkema	Glowiak Hilton	Loughran Cappel	Turner, S.
Belt	Guzmán	McClure	Ventura
Castro	Harris, N.	Murphy	Villa
Cervantes	Harriss, E.	Plummer	Villanueva
Chesney	Hastings	Porfirio	Walker
Collins	Hills	Rose	Wilcox
Cunningham	Hunter	Simmons	Mr. President
Curran	Jones, E.	Sims	
Edly-Allen	Joyce	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Bryant asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 3018**.

On motion of Senator Koehler, **Senate Bill No. 3149** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Joyce	Stadelman
Aquino	Ellman	Koehler	Syverson
Arellano, L.	Faraci	Lewis	Tracy
Balkema	Feigenholtz	Lightford	Turner, D.
Belt	Glowiak Hilton	Loughran Cappel	Turner, S.
Bryant	Guzmán	McClure	Ventura
Castro	Harris, N.	Murphy	Villa
Cervantes	Harriss, E.	Plummer	Villanueva
Chesney	Hastings	Porfirio	Walker
Collins	Hills	Rose	Wilcox
Cunningham	Hunter	Simmons	Mr. President
Curran	Jones, E.	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator D. Turner, **Senate Bill No. 3224** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Joyce	Stadelman
Aquino	Ellman	Koehler	Syverson
Arellano, L.	Faraci	Lewis	Tracy
Balkema	Feigenholtz	Lightford	Turner, D.
Belt	Glowiak Hilton	Loughran Cappel	Turner, S.
Bryant	Guzmán	McClure	Ventura
Castro	Harris, N.	Murphy	Villa
Cervantes	Harriss, E.	Plummer	Villanueva
Chesney	Hastings	Porfirio	Walker
Collins	Hills	Rose	Wilcox
Cunningham	Hunter	Simmons	Mr. President
Curran	Jones, E.	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator D. Turner, **Senate Bill No. 3226** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Joyce	Stadelman
Aquino	Ellman	Koehler	Syverson
Arellano, L.	Faraci	Lewis	Tracy
Balkema	Feigenholtz	Lightford	Turner, D.
Belt	Glowiak Hilton	Loughran Cappel	Turner, S.
Bryant	Guzmán	McClure	Ventura
Castro	Harris, N.	Murphy	Villa
Cervantes	Harriss, E.	Plummer	Villanueva
Chesney	Hastings	Porfirio	Walker
Collins	Hills	Rose	Wilcox
Cunningham	Hunter	Simmons	Mr. President
Curran	Jones, E.	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Cunningham, **Senate Bill No. 3291** was recalled from the order of third reading to the order of second reading.

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3291

AMENDMENT NO. 1 . Amend Senate Bill 3291 by replacing everything after the enacting clause with the following:

"Section 5. The Clerks of Courts Act is amended by adding Section 16.2 as follows:

(705 ILCS 105/16.2 new)

Sec. 16.2. Will depository.

(a) The clerk of any circuit court may establish and maintain a will depository for the voluntary safekeeping of original wills before the death of the testator.

(b) As used in this Section:

"Certified death certificate" means a record of death issued by a governmental vital records authority that is certified as a true copy and does not include an electronically transmitted certificate unless expressly authorized by the clerk.

"Depository" or "will depository" means the secure, sealed repository for original wills established and maintained under this Section.

"Depositor" means the person delivering the will for deposit and includes:

(1) the testator, who is a resident in the county where the will is being deposited; or

(2) a person authorized by court order.

"Sealed envelope" means an envelope approved by the clerk that conceals the contents of the will and bears the clerk's identifying marks, date of deposit, and index number.

"Testator" means the person who executed the will being deposited and whose death will trigger release of the will.

"Will" means a document deposited by a person intended to be a testamentary instrument.

"Withdrawal" means the physical return of the deposited will to the testator or to a person authorized to receive the will under subsection (h).

(c) A depositor may deposit a will of a living person with the clerk under this Section. The depositor must be a resident of the county in which the will is being deposited. The clerk may assume, without inquiring further, that the depositor of the will is correct about the depositor's county of residence.

(d) The clerk may charge a fee up to $25 for each will deposited. The clerk shall not collect a separate fee for additional documents concurrently deposited in relation to a single testator or for a single joint will prepared for a spouse or legally married person. These fees shall be included in the fee schedule established under this Section and may be revised as provided in this Section.

(e) Upon receipt of a will under this Section, the clerk shall:

(1) provide the depositor with a receipt for the will, and the receipt shall contain the information designated on the envelope in accordance with paragraph (3) of this subsection;

(2) place the will or wills deposited concurrently in relation to a single testator in one envelope and seal the envelope securely in the presence of the depositor;

(3) designate on the envelope:

(A) the date of deposit;

(B) the name, address, and telephone number of the depositor;

(C) the full legal name and last known address of the testator as provided by the depositor;

(D) the full legal names of the executor or co-executors; and

(E) with respect to each document enclosed:

(i) a short description of the document, including, if shown, its date of execution; and

(ii) the number of pages in the document; and

(4) index the will alphabetically by the name of the testator and by the alternate names set forth by which the testator may have been known.

(f) An envelope and will deposited under this Section are not public records or court records, and are prohibited from public access and inspection.

At the depositor's option, the depositor shall disclose 2 of the 3 listed pieces of information:

(1) alternate names by which the testator may have been known;

(2) the testator's birth date, and

(3) the last 4 digits of the testator's social security number.

(g) During the testator's lifetime, the clerk shall keep the envelope containing the will sealed.

(h) During the testator's lifetime, the clerk may release the deposited will only to:

(1) the testator in person upon proof of identity; or

(2) a court pursuant to an order.

No other person may inspect, copy, or obtain information concerning the contents of the will.

(i) The clerk shall release the testator's sealed will envelope to any of the executors named on the front of the envelope if presented with a certified death certificate of the testator or with a certified copy of an order of court determining the testator to be deceased. To receive the sealed will envelope the executor must provide proof of identity. If 12 months from the testator's date of death have elapsed, and no named executor has removed the sealed will envelope from the depository, the clerk shall release it to any heir, creditor, or interested party who presents a court order granting them the authority to receive it.

The testator may withdraw the deposited will at any time upon written request and proof of identity. A will withdrawn under this subsection is no longer subject to this Section.

(j) If 100 years have elapsed from the date of deposit, and the clerk has not received either a certified death certificate or a withdrawal request, the clerk may destroy the sealed will without further notice.

(k) The clerk is not liable for loss or destruction of a will deposited under this Section, except for willful misconduct. If a will cannot be located within a reasonable period of time, the clerk's office will provide certification with the information contained in subparagraphs (A) through (D) of paragraph (3) of subsection (e).

(l) The clerk may adopt forms, affidavits, withdrawal procedures, and other rules necessary to administer this Section.

(m) The depositing of a will with any clerk does not confer validity upon the will or any greater or lesser legal weight, validity, consideration, or priority than any other will of the same testator or testators under the provisions of the Probate Act of 1975.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Loughran Cappel, **Senate Bill No. 3321** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 46; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Koehler	Syverson
Aquino	Ellman	Lewis	Tracy
Arellano, L.	Faraci	Lightford	Turner, D.
Balkema	Feigenholtz	Loughran Cappel	Turner, S.
Belt	Glowiak Hilton	McClure	Ventura
Bryant	Guzmán	Murphy	Villa
Castro	Harris, N.	Plummer	Villanueva
Cervantes	Harriss, E.	Porfirio	Walker
Chesney	Hills	Rose	Wilcox
Collins	Hunter	Simmons	Mr. President
Cunningham	Jones, E.	Sims	
Curran	Joyce	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Glowiak Hilton, **Senate Bill No. 3496** was recalled from the order of third reading to the order of second reading.

Senator Glowiak Hilton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3496

AMENDMENT NO. 1 . Amend Senate Bill 3496 on page 2, immediately below line 21, by inserting the following:

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Porfirio, **Senate Bill No. 3645** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Joyce	Stadelman
Aquino	Ellman	Koehler	Syverson
Arellano, L.	Faraci	Lewis	Tracy
Balkema	Feigenholtz	Lightford	Turner, D.
Belt	Glowiak Hilton	Loughran Cappel	Turner, S.
Bryant	Guzmán	McClure	Ventura
Castro	Harris, N.	Murphy	Villa
Cervantes	Harriss, E.	Plummer	Villanueva
Chesney	Hastings	Porfirio	Walker
Collins	Hills	Rose	Wilcox
Cunningham	Hunter	Simmons	Mr. President
Curran	Jones, E.	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Ellman, **Senate Bill No. 3676** was recalled from the order of third reading to the order of second reading.

Senator Ellman offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3676

AMENDMENT NO. 1 . Amend Senate Bill 3676 on page 16, line 11, by replacing "prior years" with "the previous 3 years".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Loughran Cappel, **Senate Bill No. 3688** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 46; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Koehler	Syverson
Aquino	Faraci	Lewis	Tracy

Balkema	Feigenholtz	Lightford	Turner, D.
Belt	Glowiak Hilton	Loughran Cappel	Turner, S.
Bryant	Guzmán	McClure	Ventura
Castro	Harris, N.	Murphy	Villa
Cervantes	Harriss, E.	Plummer	Villanueva
Chesney	Hastings	Porfirio	Walker
Collins	Hills	Rose	Wilcox
Cunningham	Hunter	Simmons	Mr. President
Curran	Jones, E.	Sims	
Edly-Allen	Joyce	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Feigenholtz, **Senate Bill No. 3706** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 46; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Joyce	Syverson
Aquino	Ellman	Koehler	Tracy
Arellano, L.	Faraci	Lewis	Turner, D.
Balkema	Feigenholtz	Lightford	Turner, S.
Belt	Glowiak Hilton	Loughran Cappel	Ventura
Bryant	Guzmán	McClure	Villa
Castro	Harris, N.	Plummer	Villanueva
Cervantes	Harriss, E.	Porfirio	Walker
Chesney	Hastings	Rose	Wilcox
Collins	Hills	Simmons	Mr. President
Cunningham	Hunter	Sims	
Curran	Jones, E.	Stadelman	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Edly-Allen, **Senate Bill No. 3720** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Joyce	Stadelman
Aquino	Ellman	Koehler	Syverson
Arellano, L.	Faraci	Lewis	Tracy
Balkema	Feigenholtz	Lightford	Turner, D.
Belt	Glowiak Hilton	Loughran Cappel	Turner, S.
Bryant	Guzmán	McClure	Ventura

Castro	Harris, N.	Murphy	Villa
Cervantes	Harriss, E.	Plummer	Villanueva
Chesney	Hastings	Porfirio	Walker
Collins	Hills	Rose	Wilcox
Cunningham	Hunter	Simmons	Mr. President
Curran	Jones, E.	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Porfirio, **Senate Bill No. 3818** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 46; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Joyce	Stadelman
Aquino	Ellman	Koehler	Syverson
Arellano, L.	Faraci	Lewis	Tracy
Balkema	Feigenholtz	Lightford	Turner, D.
Belt	Glowiak Hilton	Loughran Cappel	Ventura
Bryant	Guzmán	McClure	Villa
Castro	Harris, N.	Murphy	Villanueva
Cervantes	Harriss, E.	Plummer	Walker
Chesney	Hastings	Porfirio	Wilcox
Collins	Hills	Rose	Mr. President
Cunningham	Hunter	Simmons	
Curran	Jones, E.	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator S. Turner asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 3818**.

On motion of Senator Glowiak Hilton, **Senate Bill No. 3896** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 47; NAYS None.

The following voted in the affirmative:

Anderson	Edly-Allen	Joyce	Stadelman
Aquino	Ellman	Koehler	Syverson
Arellano, L.	Faraci	Lewis	Tracy
Balkema	Feigenholtz	Lightford	Turner, D.
Belt	Glowiak Hilton	Loughran Cappel	Turner, S.
Bryant	Guzmán	McClure	Ventura
Castro	Harris, N.	Murphy	Villa
Cervantes	Harriss, E.	Plummer	Villanueva

Chesney	Hastings	Porfirio	Walker
Collins	Hills	Rose	Wilcox
Cunningham	Hunter	Simmons	Mr. President
Curran	Jones, E.	Sims	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Collins, **Senate Bill No. 2984** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2984

AMENDMENT NO. 2 . Amend Senate Bill 2984 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Early Learning Council Act is amended by changing Sections 5, 10, and 15 and by adding Section 20 as follows:

(20 ILCS 3933/5)

Sec. 5. Illinois Early Learning Council. The Illinois Early Learning Council is hereby created to advise on statewide ~~coordinate existing~~ programs and services for children from the prenatal period ~~birth~~ to 5 years of age in order to better meet the early learning needs of children and their families. The goal of the Council is to fulfill the vision of Illinois being the best state in the nation to raise young children by providing a statewide, high-quality, accessible, and comprehensive early learning system ~~to benefit all young children whose parents choose it~~. The Council shall guide collaborative efforts to improve and expand upon existing early childhood programs and services, including those related to education and care, such as nutrition, nutrition education, and physical activity, in coordination with the Interagency Nutrition Council. This work shall include making use of existing reports, research, and planning efforts.

(Source: P.A. 93-380, eff. 7-24-03; 94-124, eff. 1-1-06.)

(20 ILCS 3933/10)

Sec. 10. Membership. The Illinois Early Learning Council shall include representation from both public and private organizations, and its membership shall reflect regional, racial, and cultural diversity to ensure representation of the needs of all Illinois children. One member shall be appointed by the President of the Senate~~;~~, one member shall be appointed by the Minority Leader of the Senate~~;~~, one member shall be appointed by the Speaker of the House of Representatives~~;~~, one member shall be appointed by the Minority Leader of the House of Representatives~~;~~, and other members shall be appointed by the Governor. The Governor's appointments shall include, without limitation, the following:

(1) The Secretary of Early Childhood or the Secretary's designee, who shall serve as co-chairperson of the Council.

(2) ~~(1)~~ A leader of stature from the Governor's office~~, to serve as co-chairperson of the Council~~.

(3) ~~(2)~~ The chief administrators of the following State agencies or their designees: ~~Department of Early Childhood,~~ the State Board of Education; the Department of Human Services; the Department of Children and Family Services; the Department of Public Health; the Department of Healthcare and Family Services; the Board of Higher Education; and the Illinois Community College Board.

(4) Parents and caregivers of children 5 years of age or younger.

(5) A representative of a statewide advocacy organization that represents multiple Head Start and Early Head Start providers.

(6) The State Director of Head Start Collaboration.

(7) ~~(3)~~ Local government stakeholders and nongovernment stakeholders with an interest in early childhood care and education, including representation from the following private-sector fields

and constituencies: early childhood education and development; child care; child advocacy; parenting support; local community collaborations among early care and education programs and services; maternal and child health; children with special needs; business; labor; and law enforcement. The Governor shall designate one of the members who is a nongovernment stakeholder to serve as co-chairperson of the Council.

~~In addition, the Governor shall request that the Region V office of the U.S. Department of Health and Human Services' Administration for Children and Families appoint a member to the Council to represent federal children's programs and services.~~

Members appointed by General Assembly members and members appointed by the Governor who are local government or nongovernment stakeholders shall serve 3-year terms, except that of the initial appointments, half of these members, as determined by lot, shall be appointed to 2-year terms so that terms are staggered. Members shall serve on a voluntary, unpaid basis.

(Source: P.A. 103-594, eff. 6-25-24.)

(20 ILCS 3933/15)

Sec. 15. Management and accountability ~~Accountability~~. The Department of Early Childhood shall provide staffing and administrative support to the Council. The Illinois Early Learning Council shall annually report to the Governor, the ~~and~~ General Assembly, and the Department of Early Childhood on the Council's progress toward ~~towards~~ its goals and objectives.

(Source: P.A. 93-380, eff. 7-24-03.)

(20 ILCS 3933/20 new)

Sec. 20. Conflicts of interest. No member of the Council shall cast a vote on or participate substantially in any matter that would provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law. All provisions and reporting requirements of the Illinois Governmental Ethics Act shall apply to Council members.

Section 10. The Early Childhood Access Consortium for Equity Act is amended by changing Section 25 as follows:

(110 ILCS 28/25)

Sec. 25. Advisory committee; membership.

(a) The Board of Higher Education, the Illinois Community College Board, the State Board of Education, the Department of Human Services, and the Department of Early Childhood shall jointly convene a Consortium advisory committee to provide guidance on the operation of the Consortium.

(b) Membership on the advisory committee shall be comprised of employers and experts appointed by the Board of Higher Education, the Illinois Community College Board, the Department of Early Childhood, the Department of Human Services, and the State Board of Education. Membership shall also include all of the following members:

(1) An employer from a community-based child care provider, appointed by the Department of Early Childhood ~~Human Services~~.

(2) An employer from a for-profit child care provider, appointed by the Department of Early Childhood ~~Human Services~~.

(3) An employer from a nonprofit child care provider, appointed by the Department of Early Childhood ~~Human Services~~.

(4) A provider of family child care, appointed by the Department of Early Childhood ~~Human Services~~.

(5) An employer located in southern Illinois, appointed by the Department of Early Childhood.

(6) An employer located in central Illinois, appointed by the Department of Early Childhood.

(7) At least one member who represents an urban school district, appointed by the State Board of Education.

(8) At least one member who represents a suburban school district, appointed by the State Board of Education.

(9) At least one member who represents a rural school district, appointed by the State Board of Education.

(10) At least one member who represents a school district in a city with a population of 500,000 or more, appointed by the State Board of Education.

(11) Two early childhood advocates with statewide expertise in early childhood workforce issues, appointed by the Department of Early Childhood.

(12) The Chairperson or Vice-Chairperson and the Minority Spokesperson or a designee of the Senate Committee on Higher Education.

(13) The Chairperson or Vice-Chairperson and the Minority Spokesperson or a designee of the House Committee on Higher Education.

(14) One member representing the Illinois Community College Board, who shall serve as co-chairperson, appointed by the Illinois Community College Board.

(15) One member representing the Board of Higher Education, who shall serve as co-chairperson, appointed by the Board of Higher Education.

(16) One member representing the Illinois Student Assistance Commission, appointed by the Illinois Student Assistance Commission.

(17) One member representing the State Board of Education, who shall serve as co-chairperson, appointed by the State Board of Education.

(18) One member representing the Department of Early Childhood, who shall serve as co-chairperson, appointed by the Department of Early Childhood.

(19) One member representing the Department of Human Services, who shall serve as co-chairperson, appointed by the Department of Human Services.

(20) One member representing INCCRRA, appointed by the Department of Early Childhood.

(21) One member representing the Department of Children and Family Services, appointed by the Department of Children and Family Services.

(22) One member representing an organization that advocates on behalf of community college trustees, appointed by the Illinois Community College Board.

(23) One member of a union representing child care and early childhood providers, appointed by the Department of Early Childhood ~~Human Services~~.

(24) Two members of unions representing higher education faculty, appointed by the Board of Higher Education.

(25) A representative from the College of Education of an urban public university, appointed by the Board of Higher Education.

(26) A representative from the College of Education of a suburban public university, appointed by the Board of Higher Education.

(27) A representative from the College of Education of a rural public university, appointed by the Board of Higher Education.

(28) A representative from the College of Education of a private university, appointed by the Board of Higher Education.

(29) A representative of an urban community college, appointed by the Illinois Community College Board.

(30) A representative of a suburban community college, appointed by the Illinois Community College Board.

(31) A representative of a rural community college, appointed by the Illinois Community College Board.

(c) The advisory committee shall meet at least twice a year. The committee meetings shall be open to the public in accordance with the provisions of the Open Meetings Act.

(d) Except for the co-chairpersons of the advisory committee, the initial terms for advisory committee members after June 5, 2024 (the effective date of Public Act 103-588) shall be set by lottery at the first meeting after June 5, 2024 (the effective date of Public Act 103-588) as follows:

(1) One-third of members shall serve a one-year term.

(2) One-third of members shall serve a 2-year term.

(3) One-third of members shall serve a 3-year term.

(e) The initial term of co-chairpersons of the advisory committee shall be for 3 years.

(f) After the initial term, each subsequent term for the members of the advisory committee shall be for 3 years or until a successor is appointed.

(g) The members of the advisory committee shall serve without compensation, but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties as members of the advisory committee from funds appropriated for that purpose.

(Source: P.A. 103-588, eff. 6-5-24; 103-594, eff. 6-25-24; 104-417, eff. 8-15-25.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 3196** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3196

AMENDMENT NO. 1 . Amend Senate Bill 3196 on page 1, line 5, by deleting ", 5.46,"; and

on page 45 by replacing lines 11 through 19 with the following:

"(11) transition planning for youth aging out of care."; and

on page 64, by replacing lines 9 through 25 with the following:

"(q-5) The Department shall require periodic verification of accounts identified as belonging to or held for the benefit of a youth in care to ensure the preservation of the youth's financial resources.

(q-10) The Department shall adopt rules establishing a process by which a youth, or the youth's parent, guardian, attorney, or guardian ad litem may request an accounting of funds held, conserved, or expended by the Department on behalf of a youth in care and accounts known to the Department under subsection (q-5)."; and

by deleting line 17 on page 79 through line 24 on page 88; and

by deleting line 6 on page 91 through line 2 on page 92; and

by replacing line 3 on page 92 through line 19 on page 93 with the following:

"(a) The Department shall make reasonable efforts to develop, in partnership with the youth, an age and developmentally appropriate individualized youth-driven transition plan for each youth in care aged 15 and over to help such youth develop and strengthen those life skills that lead to successful adult living and that reflects the youth's age, developmental needs, lived experiences, strengths, and aspirations. As applicable, based on the youth's ~~minor's~~ age and developmental appropriateness, the youth-driven transition plan shall address the following areas:

(1) assessment and development of life skills;

(2) education;

(3) post high school goals and career planning;

(4) driver's education;

(5) participation in extracurricular activities;

(6) internships and apprenticeships;

(7) employment;

(8) housing;

(9) mental and physical health and well-being;

(10) the youth's financial stability, including developmentally appropriate financial literacy education and information regarding any financial accounts established in the youth's name or for the youth's benefit of which the Department is aware ~~financial stability~~;

(11) connections to supportive adults and peers;

(12) transition to adult services;

(13) documents necessary for adult living as provided in subsection (b), and information regarding the process by which such documents may be obtained; and

(14) child care ~~childcare~~ and parenting supports.

The Department shall include the youth-driven transition plan in the youth's service plan. The Department shall make reasonable efforts to assist the youth in accomplishing the plan, to develop strategies to resolve barriers, and to ensure the youth is aware of any post-case closure supports and services and how to access such supports and services.

(b) The Department shall assist a youth in care in identifying and obtaining documents necessary to function as an independent adult prior to the closure of the youth's case to terminate wardship as provided in

Section 2-31 of the Juvenile Court Act of 1987. These necessary documents shall include, but not be limited to, any of the following:"; and

by replacing line 8 on page 95 through line 25 on page 96 with the following:

"(18) Documentation related to financial accounts established in the youth in care's name or for the youth's benefit.

(c) To ensure meaningful youth engagement in Successful Transition to Adulthood Review (STAR) hearings, established under Section 2-28.2 of the Juvenile Court Act of 1987, the Department shall make reasonable efforts to:

(1) ensure that each youth in care who is eligible for a STAR hearing is informed of court hearings concerning his or her case at least 10 days in advance of the hearing whenever practicable, and is afforded the opportunity to attend or participate in the STAR hearing; and

(2) support each youth in care's attendance in the youth's STAR hearings, including by providing or arranging transportation or other appropriate accommodations consistent with the youth's age and developmental needs."; and

on page 97, immediately below line 7, by inserting the following:

"Section 7. The Department of Children and Family Services Statewide Youth Advisory Board Act is amended by changing Sections 5 and 15 as follows:

(20 ILCS 527/5)

Sec. 5. Statewide Youth Advisory Board; regional youth advisory boards. The Department of Children and Family Services shall convene and maintain a Statewide Youth Advisory Board and regional youth advisory boards. Each regional youth advisory board shall work with the Department or its designee to determine how to best provide services to current and former youth in foster care living within each of the regions. The Statewide Youth Advisory Board shall advise the Department and the General Assembly with respect to all matters involving or affecting current and former youth in foster care. Responsibilities of the Statewide Youth Advisory Board shall include:

(1) providing the Department and the General Assembly with the perspective of youth under the care of the Department;

(2) identifying, analyzing, and recommending solutions to any issues concerning adoption and guardianship and youth in foster care;

(3) reviewing and advising the Department on proposed or pending legislation, primarily as it concerns current and former youth in foster care; and

(4) reviewing and making recommendations on Department foster care and child welfare service delivery policies, guidelines, procedures, rulemaking, and training.

(Source: P.A. 98-806, eff. 1-1-15.)

(20 ILCS 527/15)

Sec. 15. Meetings.

(a) Regular meetings of the regional youth advisory boards shall be held monthly.

(b) Regular meetings of the Statewide Youth Advisory Board shall be held at least 5 times per year.

(c) The Director of the Department or the Director's designee shall meet with the Statewide Youth Advisory Board at least quarterly in order to discuss the issues and concerns of youth in foster care. The Director or the Director's designee shall affirmatively engage with the Statewide Youth Advisory Board regarding proposed or newly implemented Department policies, guidelines, procedures, rules, and training that materially affect current or former youth in foster care and shall provide the Board a reasonable opportunity to review and offer input when practicable.

(d) All meetings shall take place at locations, dates, and times determined by the Department or its designee in accordance with the bylaws for the Statewide Youth Advisory Board and the regional youth advisory boards.

(Source: P.A. 103-22, eff. 8-8-23.)"; and

by deleting line 22 on page 147 through line 6 on page 148; and

on page 148, line 7, by replacing "(f)" with "(e)"; and

on page 148, line 12, by replacing "(g)" with "(f)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

COMMUNICATION

Adriane Johnson
SENATOR • 30th SENATE DISTRICT
WWW.SENATORADRIANEJOHNSON.COM

March 26, 2026

Mr. Tim Anderson
Secretary of the Senate
Room 403-D State House
Springfield, IL 62706

Pursuant to Rule 5-1(b), I hereby give my consent for Senator Mary Edly-Allen to present SR611 on the Order of Resolutions.

If you have any questions, please contact my staff.

Sincerely,
s/Adriane Johnson
Adriane Johnson
State Senator - 30th District

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Edly-Allen moved that **Senate Resolution No. 611**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Edly-Allen moved that Senate Resolution No. 611 be adopted.

The motion prevailed.

And the resolution was adopted.

INTRODUCTION OF BILL

SENATE BILL NO. 4183. Introduced by Senator Villanueva, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

CELEBRATION OF LIFE RESOLUTION CONSENT CALENDAR

SENATE RESOLUTION NO. 676

Offered by Senator Syverson and all Senators:

Mourns the death of Sunil Puri.

SENATE RESOLUTION NO. 678

Offered by Senator Tracy and all Senators:
Mourns the death of Buford M. Green.

SENATE RESOLUTION NO. 679

Offered by Senator McClure and all Senators:
Mourns the death of Elaine Evelyn Birtch.

SENATE RESOLUTION NO. 680

Offered by Senator Tracy and all Senators:
Mourns the death of Raymond Alfred "Ray" Scheiter Jr. of Quincy, formerly of Golden.

SENATE RESOLUTION NO. 682

Offered by Senator Tracy and all Senators:
Mourns the death of Robert Keith "Bob" Fair of Virginia.

SENATE RESOLUTION NO. 690

Offered by Senator Lightford and all Senators:
Mourns the passing of Butler McGee Jr.

SENATE RESOLUTION NO. 693

Offered by Senator Rose and all Senators:
Mourns the passing of Milton Dow "Milt" Kelly of Fisher.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Faraci offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 59

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 26, 2026, it stands adjourned until Tuesday, April 14, 2026, or until the call of the President; and when the House of Representatives adjourns on Friday, March 27, 2026, it stands adjourned until Tuesday, April 07, 2026, and when it adjourns on that day, it stands adjourned until Wednesday, April 08, 2026, and when it adjourns on that day, it stands adjourned until Thursday, April 09, 2026, and when it adjourns on that day, it stands adjourned until Tuesday, April 14, 2026, or until the call of the Speaker.

The motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 368
Amendment No. 1 to Senate Bill 553
Amendment No. 2 to Senate Bill 2870
Amendment No. 2 to Senate Bill 3076
Amendment No. 1 to Senate Bill 3114
Amendment No. 2 to Senate Bill 3223
Amendment No. 1 to Senate Bill 3314
Amendment No. 2 to Senate Bill 3449
Amendment No. 2 to Senate Bill 3597
Amendment No. 1 to Senate Bill 3880

The following Committee amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 2 to Senate Bill 2852
Amendment No. 1 to Senate Bill 3394
Amendment No. 1 to Senate Bill 3934

At the hour of 1:48 o'clock p.m., pursuant to **Senate Joint Resolution No. 59**, the Chair announced that the Senate stands adjourned until Tuesday, April 14, 2026, at 12:00 o'clock p.m., or until the call of the President.