

Illinois Compiled Statutes

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PROFESSIONS AND OCCUPATIONS (225 ILCS 2/) Acupuncture Practice Act.

(225 ILCS 2/1)

(Section scheduled to be repealed on January 1, 2018)

Sec. 1. Short title. This Act may be cited as the Acupuncture Practice Act.

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

(225 ILCS 2/5)

(Section scheduled to be repealed on January 1, 2018)

Sec. 5. Objects and purpose. The practice of acupuncture in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of acupuncture as defined in this Act merit and receive the confidence of the public, and that only qualified persons be authorized to practice acupuncture in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.

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

(225 ILCS 2/10)

(Section scheduled to be repealed on January 1, 2018)

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

"Acupuncture" means the evaluation or treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of pre-sterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electronic stimulation, or manual pressure to prevent or modify the perception of pain, to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body and includes activities referenced in Section 15 of this Act for which a written referral is not required. Acupuncture does not include radiology, electrosurgery, chiropractic technique, physical therapy, naprapathic technique, use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums, or vaccines, or determination of a

differential diagnosis. An acupuncturist registered under this Act who is not also licensed as a physical therapist under the Illinois Physical Therapy Act shall not hold himself or herself out as being qualified to provide physical therapy or physiotherapy services. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

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

"Board" means the Board of Acupuncture.

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

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

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

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

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

"State" includes:

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

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/15)

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

Sec. 15. Who may practice acupuncture. No person licensed under this Act may treat human ailments otherwise than by the practice of acupuncture as defined in this Act. A physician or dentist licensed in Illinois may practice acupuncture. A physician or a dentist may refer by written order a patient to an acupuncturist for the practice of acupuncture as defined in this Act and may, through express direction in the referral, maintain management of the patient. Nothing in this Act shall be construed to require a referral of a patient to an acupuncturist for evaluation and treatment based on acupuncture principles and techniques as taught by schools accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or a similar accrediting body approved by the Department. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

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

(225 ILCS 2/20)

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

Sec. 20. Exempt activities. This Act does not prohibit any person licensed in this State as a dentist or physician from engaging in the practice for which he or she is licensed.

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

(225 ILCS 2/20.1)

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

Sec. 20.1. Guest instructors of acupuncture; professional education. The provisions of this Act do not prohibit an acupuncturist from another state or country, who is not licensed under this Act and who is an invited guest of a professional acupuncture association or scientific acupuncture foundation or an acupuncture training program or continuing education provider approved by the Department under this Act, from engaging in professional education through lectures, clinics, or demonstrations, provided that the acupuncturist is currently licensed in another state or country and his or her license is active and has not been disciplined, or he or she is currently certified in good standing as an acupuncturist by the National Certification Commission for Acupuncture and Oriental Medicine.

Licensees under this Act may engage in professional education through lectures, clinics, or demonstrations as an invited guest of a professional acupuncture association or scientific acupuncture foundation or an acupuncture training program or continuing education provider approved by the Department under this Act. The Department may, but is not required to, establish rules concerning this Section.

(Source: P.A. 95-450, eff. 8-27-07; 96-255, eff. 8-11-09; 96-483, eff. 8-14-09.)

(225 ILCS 2/25)

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

Sec. 25. Powers and duties of Department. The Department shall exercise powers and duties under this Act as follows:

(1) Review applications to ascertain the qualifications of applicants for licensure.

(2) Adopt rules consistent with the provisions of this Act for its administration and enforcement and may prescribe forms that shall be used in connection with this Act. The rules may define standards and criteria for professional conduct and discipline. The Department shall consult with the Board in adopting rules. Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board's response and any recommendations made in the response.

(3) The Department may at any time seek the advice and the expert knowledge of the Board on any matter relating to the administration of this Act.

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

(225 ILCS 2/30)

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

Sec. 30. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and shall apply to all administrative rules and procedures of the Department under this Act, except that in the case of a conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control.

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

(225 ILCS 2/35)

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

Sec. 35. Board of Acupuncture. The Secretary shall appoint a Board of Acupuncture to consist of 7 persons who shall be appointed by and shall serve in an advisory capacity to the Secretary. Four members must hold an active license to engage in the practice of acupuncture in this State, one member shall be a chiropractic physician licensed under the Medical Practice Act of 1987 who is actively engaged in the practice of acupuncture, one member shall be a physician licensed to practice medicine in all of its branches in Illinois, and one member must be a member of the public who is not licensed under this Act or a similar Act of another jurisdiction and who has no connection with the profession.

Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 consecutive years. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this amendatory Act of 1997.

The Board may annually elect a chairperson and a vice-chairperson who shall preside in the absence of the chairperson. The membership of the Board should reasonably reflect representation from the geographic areas in this State. The Secretary may terminate the appointment of any member for cause. The Secretary may give due consideration to all recommendations of the Board. 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 the right and perform all the duties of the Board. 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.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/40)

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

Sec. 40. Application for licensure. Applications for original licensure as an acupuncturist shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable.

Until December 31, 2001, applicants shall submit with the application proof of passing the National Certification

Commission for Acupuncture and Oriental Medicine examination or a substantially equivalent examination approved by the Department or meeting any other qualifications established by the Department.

On and after January 1, 2002, the Department shall issue a license to an applicant who submits with the application proof of each of the following:

(1)(A) graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or a similar accrediting body approved by the Department; or (B) completion of a comprehensive educational program approved by the Department; and

(2) passing the National Certification Commission for Acupuncture and Oriental Medicine examination or a substantially equivalent examination approved by the Department.

An applicant has 3 years from the date of his or her 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.

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

(225 ILCS 2/45)

Sec. 45. (Repealed).

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

(225 ILCS 2/50)

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

Sec. 50. Practice prohibited. Unless he or she has been issued, by the Department, a valid, existing license as an acupuncturist under this Act, no person may use the title and designation of "Acupuncturist", "Licensed Acupuncturist", "Certified Acupuncturist", "C.A.", "Act.", "Lic. Act.", or "Lic. Ac." either directly or indirectly, in connection with his or her profession or business. No person licensed under this Act may use the designation "medical", directly or indirectly, in connection with his or her profession or business. Nothing shall prevent a physician from using the designation "Acupuncturist".

No person may practice, offer to practice, attempt to practice, or hold himself or herself out to practice as a licensed acupuncturist without being licensed under this Act.

This Act does not prohibit a person from applying acupuncture techniques as part of his or her educational training when he or she:

(1) is engaged in a State-approved course in acupuncture, as provided in this Act;

(2) is a graduate of a school of acupuncture and participating in a postgraduate training program;

(3) is a graduate of a school of acupuncture and participating in a review course in preparation for taking the National Certification Commission for Acupuncture and Oriental Medicine examination; or

(4) is participating in a State-approved continuing

education course offered through a State-approved provider.

Students attending schools of acupuncture, and professional acupuncturists who are not licensed in Illinois, may engage in the application of acupuncture techniques in conjunction with their education as provided in this Act, but may not open an office, appoint a place to meet private patients, consult with private patients, or otherwise engage in the practice of acupuncture beyond what is required in conjunction with their education.

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

(225 ILCS 2/55)

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

Sec. 55. Endorsement. The Department may, at its discretion, license as an acupuncturist without examination, on payment of the fee, an applicant for licensure who is an acupuncturist under the laws of another state if the requirements pertaining to acupuncture in that state were at the date of his or her licensure substantially equal to the requirements in force in Illinois on that date or if an applicant possesses individual qualifications that are substantially equal to the requirements under this Act.

An applicant has 3 years from the date of his or her 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.

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

(225 ILCS 2/60)

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

Sec. 60. Exhibition of license upon request; change of address. A licensee shall, whenever requested, exhibit his or her license to any representative of the Department and shall notify the Department of the address or addresses, and of every change of address, where the licensee practices acupuncture.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/70)

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

Sec. 70. Renewal, reinstatement, or restoration of license; continuing education; military service. 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 that license during the month preceding its expiration date by paying the required fee.

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

A person who has permitted his or her license to expire or

who has had his or her license on inactive status may have the license restored by submitting an application to the Department, by meeting continuing education requirements, and by filing proof acceptable to the Department of fitness to have the license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee. If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience and may require successful completion of a practical examination.

Any acupuncturist whose license expired while 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, however, may have his or her registration restored without paying any lapsed renewal fees if within 2 years after honorable termination of service, training, or education, he or she furnishes the Department with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/75)

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

Sec. 75. Inactive licenses. A licensee who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status. A licensee requesting restoration from inactive status shall be required to pay the current renewal fee, shall meet the continuing education requirements, and shall be required to restore his or her license as provided in Section 70 of this Act.

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

(225 ILCS 2/80)

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

Sec. 80. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable.

All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

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

(225 ILCS 2/90)

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

Sec. 90. Roster. The Department shall maintain a roster of

the names and addresses of all licensees and of all persons whose licenses have been disciplined. This roster shall be available upon written request and payment of the required fee.

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

(225 ILCS 2/100)

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

Sec. 100. Advertisement. 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:

- (1) publication of the person's name, title, office hours, address and telephone number;
- (2) information pertaining to the person's areas of specialization or limitation of professional practice;
- (3) 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;
- (4) announcement of the opening of, change of, absence from, or return to business;
- (5) announcement of additions to or deletions from professional registered staff; and
- (6) the issuance of business or appointment cards.

This Act does not authorize the advertising of professional services that the offeror of such services is not licensed to render. Nor shall the advertiser use statements that contain false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

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

(225 ILCS 2/105)

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

Sec. 105. Unlicensed practice; civil penalty. A person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a licensed acupuncturist 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.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/110)

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

Sec. 110. Grounds for disciplinary action.

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

- (1) Violations of the Act or its rules.
- (2) Conviction or plea of guilty or nolo contendere of any crime under the laws of the United States or any state or territory thereof 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.
- (3) Making any misrepresentation for the purpose of obtaining a license.
- (4) Aiding or assisting another person in violating any provision of this Act or its rules.
- (5) Failing to provide information within 60 days in response to a written request made by the Department which has been sent by certified or registered mail to the licensee's last known address.
- (6) 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 one set forth in this Section.
- (7) Solicitation of professional services by means other than permitted under this Act.
- (8) Failure to provide a patient with a copy of his or her record upon the written request of the patient.
- (9) Gross negligence in the practice of acupuncture.
- (10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an acupuncturist's inability to practice with reasonable judgment, skill, or safety.
- (11) A finding that licensure has been applied for or obtained by fraudulent means.
- (12) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.
- (13) 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.
- (14) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.
- (15) The use of any words, abbreviations, figures or letters (such as Acupuncturist, Licensed Acupuncturist, Certified Acupuncturist, C.A., Act., Lic. Act., or Lic. Ac.) with the intention of indicating practice as a licensed acupuncturist without a valid license as an acupuncturist issued under this Act.
- (16) Using claims of superior quality of care to entice the public or advertising fee comparisons of available services with those of other persons providing acupuncture services.
- (17) Advertising of professional services that the offeror of the services is not licensed to render. Advertising of professional services that contains false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote

or produce unfair competition.

(18) Having treated ailments of human beings other than by the practice of acupuncture as defined in this Act, or having treated ailments of human beings as a licensed acupuncturist pursuant to a referral by written order that provides for management of the patient by a physician or dentist without having notified the physician or dentist who established the diagnosis that the patient is receiving acupuncture treatment.

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

(20) Physical illness, mental illness, or other impairment that results in the inability to practice the profession with reasonable judgment, skill, and safety, including without limitation deterioration through the aging process, mental illness, or disability.

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

The entry of an order by a 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 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 a suspended license.

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

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, 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 his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

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 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 he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/117)

(Text of Section before amendment by P.A. 96-1551)

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

Sec. 117. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 46-1 of the Criminal Code of 1961. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

(Source: P.A. 94-577, eff. 1-1-06.)

(Text of Section after amendment by P.A. 96-1551)

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

Sec. 117. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A

person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

(Source: P.A. 96-1551, eff. 7-1-11.)

(225 ILCS 2/120)

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

Sec. 120. Checks or orders to Department dishonored because of insufficient funds. Any person who issues or delivers a check or other order to the Department that is not honored on 2 occasions by the financial institution upon which it is drawn because of insufficient funds on account, the account is closed, or a stop payment has been placed on the check or order shall pay to the Department, in addition to the amount owing upon the check or other order, a fee of \$50. If the check or other order was issued or delivered in payment of a renewal or issuance fee and the person whose registration has lapsed continues to practice acupuncture without paying the renewal or issuance fee and the required \$50 fee under this Section, an additional fee of \$100 shall be imposed. The fees imposed by this Section are in addition to any other disciplinary provision under this Act prohibiting practice on an expired or non-renewed registration. The Department shall mail a registration renewal form to each registrant 60 days before the expiration of the registrant's current registration. The Department shall notify a person whose registration has lapsed, within 30 days after the discovery of the lapse, that the individual is engaged in the unauthorized practice of acupuncture and of the amount due to the Department which shall include the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of the notification a person whose registration has lapsed seeks a current registration, he or she shall thereafter apply to the Department for restoration of the registration and pay all fees due to the Department. The Department may establish a fee for the processing of an application for restoration of a registration that allows the Department to pay all costs and expenses incident to the processing of this application. The Secretary may waive the fees due under this Section in individual cases where he or she finds that the fees would be unreasonably or unnecessarily burdensome.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/130)

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

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

(a) If any person violates the provisions 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 for any county in which the action is brought, 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 condition, 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) Whenever in the opinion of the Department a person violates a 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. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 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.

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

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/135)

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

Sec. 135. Criminal violations. Whoever knowingly practices or offers to practice acupuncture 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, moneys, 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 Professional Regulation Evidence Fund.

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

(225 ILCS 2/140)

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

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

applicant or licensee that failure to file an answer will result in default being taken against the applicant or licensee and that the license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary may deem proper. Written notice may be served by personal delivery to the applicant or licensee or by mailing the notice by certified mail to his or her last known place of residence or to the place of business last specified by the applicant or licensee in his or her last notification to the Department. If the person fails to file an answer after receiving notice, 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 hearing of the charges and both the applicant or licensee and the complainant shall be afforded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and arguments that may be pertinent to the charges or to their defense. The Department may continue a hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Department may continue the hearing for a period not to exceed 30 days.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/145)

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

Sec. 145. Formal hearing; preservation of record. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or renew a license or discipline of a licensee. 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, and order of the Department shall be the record of the proceeding.

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

(225 ILCS 2/150)

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

Sec. 150. Witnesses; production of documents; contempt. Any circuit court may, upon application of the Department or its designee or of the applicant or licensee against whom proceedings under Section 140 of 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. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/152)

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

Sec. 152. Certification of record. The Department shall not be required to certify a record to the court, file any answer in court, or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

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

(225 ILCS 2/154)

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

Sec. 154. Compelling testimony. Any circuit court may, upon application of the Department or its designee or of the applicant or licensee against whom proceedings pursuant to Section 140 of 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 through proceedings for contempt.

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

(225 ILCS 2/155)

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

Sec. 155. Subpoena; oaths. The Department shall have 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 prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Department shall also have the power to subpoena the production of documents, papers, files, books, and records in connection with a hearing or investigation.

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

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/160)

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

Sec. 160. Findings of facts, conclusions of law, and recommendations. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, 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 Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary.

The report of findings of fact, conclusions of law, and recommendations of the Board may be the basis of the order of the Department. If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order in contravention of the report. The Secretary shall provide

notice to the Board on any deviation and the reasons for the deviation. 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 findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/165)

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

Sec. 165. Hearing officer. 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 hearing officer shall report 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 to present its findings of fact, conclusions of law, and recommendations to the Secretary.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/170)

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

Sec. 170. Service of report; rehearing; order. In any case involving the discipline of a license, a copy of the hearing officer'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 days after the 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 the denial the Secretary may enter an order in accordance with this Act. If the respondent orders from the reporting office and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/175)

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

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

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/180)

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

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

(1) that the signature is the genuine signature of the Secretary;

(2) that such Secretary is duly appointed and qualified; and

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

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/185)

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

Sec. 185. Restoration of license. At any time after the suspension or revocation of any license the Department may restore it to the accused person, unless after an investigation and a hearing the 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 his or her license.

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

(225 ILCS 2/190)

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

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

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/195)

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

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

(Source: P.A. 95-450, eff. 8-27-07.)

(225 ILCS 2/200)

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

Sec. 200. Review under Administrative Review Law. All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

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

(225 ILCS 2/205)

Sec. 205. (Repealed).

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

(225 ILCS 2/210)

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

Sec. 210. Violations; penalties. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense the violator shall be guilty of a Class 4 felony.

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

(225 ILCS 2/250)

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

Sec. 250. (Amendatory provisions; text omitted).

(Source: P.A. 89-706, eff. 1-31-97; text omitted.)

(225 ILCS 2/255)

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

Sec. 255. (Amendatory provisions; text omitted).

(Source: P.A. 89-706, eff. 1-31-97; text omitted.)

(225 ILCS 2/265)

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

Sec. 265. (Amendatory provisions; text omitted).

(Source: P.A. 89-706, eff. 1-31-97; text omitted.)

(225 ILCS 2/270)

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

Sec. 270. (Amendatory provisions; text omitted).

(Source: P.A. 89-706, eff. 1-31-97; text omitted.)

(225 ILCS 2/275)

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

Sec. 275. (Amendatory provisions; text omitted).

(Source: P.A. 89-706, eff. 1-31-97; text omitted.)

(225 ILCS 2/999)

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

Sec. 999. Effective date. This Act takes effect upon becoming law.

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

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