

AN ACT concerning regulation.

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

Section 5. The Acupuncture Practice Act is amended by changing Section 110 and by adding Section 16 as follows:

(225 ILCS 2/16 new)

Sec. 16. Chinese herbology; practice. No person licensed under this Act may hold himself or herself out as being trained in Chinese herbology without proof of status as a Diplomate of Oriental Medicine certified by the National Certification Commission for Acupuncture and Oriental Medicine or a substantially equivalent status that is approved by the Department or proof that he or she has successfully completed the National Certification Commission for Acupuncture and Oriental Medicine Chinese Herbology Examination or a substantially equivalent examination approved by the Department. A violation of this Section is subject to the disciplinary action described in Section 110.

(225 ILCS 2/110)

(Section scheduled to be repealed on January 1, 2028)

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 this Act or its rules.

(2) Conviction by 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.

(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 address of record or by email to the licensee's email address of record.

(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) Willfully 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", "Doctor of Acupuncture and Chinese Medicine", "Doctor of Acupuncture and Oriental Medicine", "Doctor of Acupuncture", "Oriental Medicine Practitioner", "Licensed Oriental Medicine Practitioner", "Oriental Medicine Doctor", "Licensed Oriental Medicine Doctor", "C.A.", "Act.", "Lic. Act.", "Lic. Ac.", "D.Ac.", "DACM", "DAOM", or "O.M.D.") or any designation used by the Accreditation Commission for Acupuncture and Oriental Medicine with the intention of indicating practice as a licensed acupuncturist without a valid license as an acupuncturist issued under this Act.

When the name of the licensed acupuncturist is used professionally in oral, written, or printed announcements, professional cards, or publications for the information of the public, the degree title or degree abbreviation shall be added immediately following title and name. When the announcement, professional card, or publication is in writing or in print, the explanatory addition shall be in writing, type, or print not less than 1/2 the size of that used in the name and title. No person other than the holder of a valid existing license under this Act shall use the title and designation of "acupuncturist", either directly or indirectly, in connection with his or her profession or business.

(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 other than by the practice of acupuncture as defined in this Act, or having treated ailments of 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 treatments.

(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.

(22) Failure to refer a patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist to a licensed physician or dentist.

(23) Holding himself or herself out as being trained in Chinese herbology without being able to provide the Department with proof of status as a Diplomat of Oriental Medicine certified by the National Certification Commission for Acupuncture and Oriental Medicine or a substantially equivalent status approved by the Department or proof that he or she has successfully completed the National Certification Commission for Acupuncture and Oriental Medicine Chinese Herbology Examination or a substantially equivalent examination approved by the Department.

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 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 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 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 finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, restored, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, restored, 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 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. 100-375, eff. 8-25-17.)