

AN ACT concerning regulation.

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

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

(5 ILCS 80/4.24)

Sec. 4.24. Acts and Section repealed on January 1, 2014.
The following Acts and Section of an Act are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Certified Shorthand Reporters Act of 1984.

The Illinois Occupational Therapy Practice Act.

The Illinois Public Accounting Act.

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

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

Section 2.5 of the Illinois Plumbing License Law.

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

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

(5 ILCS 80/4.34 new)

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 Act repealed on January 1, 2024.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

Act is repealed on January 1, 2024:

The Veterinary Medicine and Surgery Practice Act of 2004.

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

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

(Section scheduled to be repealed on January 1, 2014)

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

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

"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. It is the duty of the applicant or licensee to inform the Department of any change of address, and those changes must be made either through the Department's

website or by contacting the Department.

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

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

"Board" means the Veterinary Licensing and Disciplinary Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (Blank).

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

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

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

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

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

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

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

engaging in the practice of veterinary medicine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Veterinarians employed by colleges or universities

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

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

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

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

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

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

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

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

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

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

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

item (9).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

all the penalties provided for such violations.

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

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

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

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

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

Sec. 6. Administration of Act.

(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 any other powers and duties necessary for effectuating the purpose of this Act.

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

thereof, and for the payment of fees connected therewith, and may prescribe forms that shall be issued in connection therewith. The rules may ~~shall~~ include standards and criteria for licensure, certification, and professional conduct and discipline. The Department may ~~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 response and any recommendations made therein. The Department shall notify the Board in writing with an explanation of the deviations in the Board's recommendations and responses.~~

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

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

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

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

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

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

this State, and must be actively engaged in the practice of veterinary medicine and surgery in this State, 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 veterinary profession.

Members shall serve 4-year ~~4-year~~ terms and until their successors are appointed and qualified, ~~except that of the initial appointments, one member shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and the remaining, one of which shall be a public member, shall be appointed to serve for 4 years and until their successors are appointed and qualified.~~ No member shall be reappointed to the Board for more than 2 full, consecutive terms. 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 Act.~~

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

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

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

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

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

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

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

Members of the Board 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. 96-1322, eff. 7-27-10.)

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

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

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

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

(b) A licensee 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 making application to the Department by filing proof acceptable to the Department of his or her fitness to have the license restored and by paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction. If the licensee 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 for restoration of the license and shall establish procedures and requirements for restoration.

(c) A licensee 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 before induction into the military service, may have the license restored without paying any lapsed renewal fees if within 2 years after honorable termination of the service, training, or education he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

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

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

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

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

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

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

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

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

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

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

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. 88-424.)

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

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

Sec. 14. 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 of a license issued under this Act. The fees shall be nonrefundable.

All fees, fines, and penalties 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. 91-454, eff. 1-1-00.)

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

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

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

~~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.~~

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

(225 ILCS 115/19.1 new)

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

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

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

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

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

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

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

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

question;

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

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

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

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

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

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

Sec. 24. 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 as permitted by law; provided that such advertising is truthful and not misleading and is in conformity with rules promulgated by the Department. Advertisements shall not include false, fraudulent, deceptive, or misleading material or guarantees of success.

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

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

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

Sec. 25. Disciplinary actions.

1. 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 may deem appropriate, including imposing fines not to exceed \$10,000 ~~\$1,000~~ for each violation and the assessment of costs as provided for in Section 25.3 of this Act, with regard to any license or certificate for any one or combination of the following:

A. Material misstatement in furnishing information to the Department.

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

C. 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 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. ~~of any crime under the laws of the United States or any state or territory of the United States that is a felony or that is a misdemeanor, an essential element of which is dishonesty, or of any crime~~

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

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

E. Professional incompetence.

F. Malpractice. ~~Gross malpractice.~~

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

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

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

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

K. Discipline by another state, unit of government, government agency, 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 herein.

L. Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered. ~~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 professional services not actually or personally rendered.~~

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

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

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

P. Solicitation of professional services other than permitted advertising.

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

~~thereof.~~

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

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

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

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

V. Conviction on a charge of cruelty to animals.

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

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

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

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

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

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

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

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

DD. Violating state or federal laws or regulations relating to controlled substances or legend drugs. ~~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.~~

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

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

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

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

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.

2. The determination by a circuit court that a licensee or certificate holder 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. In any case where a license is suspended under this provision, the licensee shall file a petition for restoration and shall include evidence acceptable to the Department that the licensee can resume practice in compliance with acceptable and prevailing standards of their profession. ~~and upon the recommendation of the Board to the Secretary that the licensee or certificate holder be allowed to resume his practice.~~

3. 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 or certificate on any of the foregoing grounds, must be commenced within 5 ~~3~~ years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for proceedings brought for violations of items (CC), (DD), or (EE), no action shall be commenced more than 5 years after the date of the incident or act alleged to have violated this Section. 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, the claim, cause of action, or civil action being grounded on the allegation that a person licensed or certified under this Act was negligent in providing care, the Department shall have an additional period of one year from the date of the settlement or final judgment in which to investigate and begin formal disciplinary proceedings under Section 25.2 of this Act, except as otherwise provided by law. The time during which the holder of the license or certificate was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

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

any person who fails to file a return, 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 in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois. ~~as determined by the Department of Revenue.~~

5. In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is registered under this Act or any individual who has applied for registration to submit to a mental or physical examination or evaluation, or both, which may include a substance abuse or sexual offender evaluation, 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 and evaluation. 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 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 may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the registrant 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 or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the registrant 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 his or her own expense, another physician of his or her choice present during all aspects of the examination.

Failure of any individual to submit to mental or physical examination or 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 Department finds a registrant unable to practice because of the reasons set forth in this Section, the Department shall require such registrant to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed registration.

In instances in which the Secretary immediately suspends a registration under this Section, a hearing upon such person's registration must be convened by the Department within 15 days after such suspension and completed without appreciable delay. The Department shall have the authority to review the registrant'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.

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

~~a possible violation, may compel a licensee or applicant 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 Board. The Board or the Department may order (i) the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to submit to the examination was with reasonable cause.~~

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

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

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

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

7. In cases where the Department of Healthcare and Family Services has previously determined 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 paragraph (5) of subsection (a) of Section 1205-15 of the Civil Administrative Code of Illinois.

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

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

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

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

(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 of the county in which the violation is alleged to have occurred, petition, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such 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 practices ~~shall practice~~ as a

veterinarian or hold himself or herself out as a veterinarian without being licensed under the provision of this Act then any licensed veterinarian, 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 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 forthwith.

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

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

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

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

charges and the time and place for ~~that~~ a hearing ~~will be held~~ on the charges ~~date designated~~. The Department shall direct the applicant, certificate holder, or licensee to file a written answer to the charges with ~~to~~ the Board under oath within 20 days after the service of the notice and inform the applicant, certificate holder, or licensee that failure to file an answer will result in default being taken against the applicant, certificate holder, or licensee. 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 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, 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 action 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 and any notice in the subsequent proceeding may be served by registered or certified mail to the licensee's address of record. ~~and that the license or certificate 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 or certified or registered mail to the respondent at the address of his last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate 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 Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statements, testimony, evidence, and argument pertinent to the charges or to their defense. The Board may continue a hearing from time to time.~~

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

(225 ILCS 115/25.2a new)

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

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

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

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

Sec. 25.3. Records of proceedings. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case ~~involving the refusal to issue, renew or discipline of a license or certificate. 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 Board and orders of the Department shall be the record of such proceeding.~~ Any registrant who is found to have violated this Act or who fails to appear for a hearing to refuse to issue, restore, or renew a license or to discipline a licensee may be required by the Department to pay for the costs of the proceeding. These costs

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

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

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

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

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

The Secretary, the designated hearing officer, any ~~and every~~ member of the Board, or a certified shorthand court reporter may ~~shall~~ have power to administer oaths ~~to witnesses~~ at any hearing which the Department conducts ~~is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.~~ 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. 96-1322, eff. 7-27-10.)

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

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

Sec. 25.5. Any circuit court ~~may~~, upon application of the Department or ~~designee or of the applicant or licensee against whom proceedings upon Section 25 of this Act are pending~~, may enter an order requiring the attendance and testimony of witnesses ~~and their testimony~~, and the production of relevant 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. 83-1016.)

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

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

Sec. 25.6. Board ~~Written~~ report. 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 recommendation of the Board shall be the basis for the

Department's order for refusing to issue, restore, or renew a license, or otherwise disciplining a licensee, ~~or refusal~~ or for the granting of a license, certificate, or permit. If the Secretary disagrees in any regard with the report of the Board, then the Secretary may issue an order in contravention thereof. ~~The Secretary shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for the action in the final order.~~ 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. 96-1322, eff. 7-27-10.)

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

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

Sec. 25.7. Motion for rehearing; procedure ~~Procedure~~ upon refusal to license or issue certificate. In any hearing case ~~under Section 25~~ involving the refusal to issue, renew, or discipline a license or certificate, a copy of the 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 days after service, the respondent may present to the Department a motion in writing for a rehearing. The motion shall specify the particular grounds for the 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, then the Secretary may enter an order in accordance with recommendations of the Board except as provided in Section 25.6 of 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 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

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

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

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

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

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

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

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

Sec. 25.9. Hearing officers; reports; review. The ~~Notwithstanding the provisions of Section 25.2 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 of a license, certificate, or permit. ~~The Secretary shall notify the Board of any appointment.~~ 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 have 60 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 day period, then the Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees ~~in any regard~~ with the recommendation ~~report~~ of the Board or hearing officer, then the Secretary may issue an order in contravention of the report. ~~The Secretary shall provide a written explanation to the Board on any deviation, and shall specify with particularity the reasons for the action in the final order. At least 2 licensed veterinarian members of the Board should be present at all formal hearings on the merits of complaints brought under the provisions of this Act.~~

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

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

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

Sec. 25.10. Order or certified copy; 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 that:

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

(b) the Secretary is duly appointed and qualified. ~~+~~
~~and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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. 83-101.)

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

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

Sec. 25.15. Certification of record. The Department shall not be required to certify any record to the Court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff ~~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, which costs shall be determined by the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in Court shall be grounds for dismissal of the action.

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

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

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

Sec. 25.16. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony. 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 Professional Regulation Evidence Fund.

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

(225 ILCS 115/25.18)

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

Sec. 25.18. Civil penalties for unlicensed practice
~~Penalties.~~

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

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

(b) The Department has the authority and power to 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.

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 115/14.2 rep.)

(225 ILCS 115/15 rep.)

(225 ILCS 115/19 rep.)

(225 ILCS 115/20 rep.)

Section 15. The Veterinary Medicine and Surgery Practice

Public Act 098-0339

HB2517 Enrolled

LRB098 10264 MGM 40435 b

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

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

INDEX

Statutes amended in order of appearance

5 ILCS 80/4.24

5 ILCS 80/4.34 new

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

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

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

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

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

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

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

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

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

225 ILCS 115/19.1 new

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

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

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

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

225 ILCS 115/25.2a new

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

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

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

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

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

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

225 ILCS 115/25.9	from Ch. 111, par. 7025.9
225 ILCS 115/25.10	from Ch. 111, par. 7025.10
225 ILCS 115/25.11	from Ch. 111, par. 7025.11
225 ILCS 115/25.13	from Ch. 111, par. 7025.13
225 ILCS 115/25.14	from Ch. 111, par. 7025.14
225 ILCS 115/25.15	from Ch. 111, par. 7025.15
225 ILCS 115/25.16	from Ch. 111, par. 7025.16
225 ILCS 115/25.18	
225 ILCS 115/26	from Ch. 111, par. 7026
225 ILCS 115/27	from Ch. 111, par. 7027
225 ILCS 115/14.2 rep.	
225 ILCS 115/15 rep.	
225 ILCS 115/19 rep.	
225 ILCS 115/20 rep.	