

**PROFESSIONS AND OCCUPATIONS
(225 ILCS 5/) Illinois Athletic Trainers Practice Act.**

(Act due to sunset 1/1/2016)

Sec. 1. Declaration of Findings and Public Policy. The General Assembly finds that athletic training in the State of Illinois affects the public health, welfare, and safety and its regulation and control to be in the public interest. It is further found and declared that, as a matter of public policy in the public interest, athletic trainers, as defined in this Act, merit and receive the understanding and confidence of the public and, to this end, that only qualified persons be permitted to hold themselves out to the public as athletic trainers in the State of Illinois. This Act shall be liberally construed to best carry out these findings and purposes.

Sec. 2. Title. This Act shall be known and may be cited as the "Illinois Athletic Trainers Practice Act".

Sec. 3. Definitions. As used in this Act:

- (1) "Department" means the Department of Professional Regulation.
- (2) "Director" means the Director of Professional Regulation.
- (3) "Board" means the Illinois Board of Athletic Trainers appointed by the Director.
- (4) "Licensed athletic trainer" means a person licensed to practice athletic training as defined in this Act and with the specific qualifications set forth in Section 9 of this Act who, upon the direction of his or her team physician or consulting physician, carries out the practice of prevention/emergency care or physical reconditioning of injuries incurred by athletes participating in an athletic program conducted by an educational institution, professional athletic organization, or sanctioned amateur athletic organization employing the athletic trainer; or a person who, under the direction of a physician, carries out comparable functions for a health organization-based extramural program of athletic training services for athletes. Specific duties of the athletic trainer include but are not limited to:
 - A. Supervision of the selection, fitting, and maintenance of protective equipment;
 - B. Provision of assistance to the coaching staff in the development and implementation of conditioning programs;
 - C. Counseling of athletes on nutrition and hygiene;
 - D. Supervision of athletic training facility and inspection of playing facilities;
 - E. Selection and maintenance of athletic training equipment and supplies;
 - F. Instruction and supervision of student trainer staff;

G. Coordination with a team physician to provide:

- (i) pre-competition physical exam and health history updates,
- (ii) game coverage or phone access to a physician or paramedic,
- (iii) follow-up injury care,
- (iv) reconditioning programs, and
- (v) assistance on all matters pertaining to the health and well-being of athletes.

H. Provision of on-site injury care and evaluation as well as appropriate transportation, follow-up treatment and rehabilitation as necessary for all injuries sustained by athletes in the program;

I. With a physician, determination of when an athlete may safely return to full participation post-injury; and

J. Maintenance of complete and accurate records of all athletic injuries and treatments rendered.

To carry out these functions the athletic trainer is authorized to utilize modalities, including, but not limited to, heat, light, sound, cold, electricity, exercise, or mechanical devices related to care and reconditioning.

(5) "Referral" means the guidance and direction given by the physician, who shall maintain supervision of the athlete.

(6) "Athletic trainer aide" means a person who has received on-the-job training specific to the facility in which he or she is employed, on either a paid or volunteer basis, but is not enrolled in an accredited athletic training curriculum.

Sec. 4. Licensure requirement - Exempt activities. After the effective date of this Act, no person shall provide any of the services set forth in subsection (4) of Section 3 of this Act, or use the title "athletic trainer" or "certified athletic trainer" or "athletic trainer certified" or the letters "A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after his name, unless licensed under this Act.

Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed or registered in this State by any other law from engaging in the profession or occupation for which he or she is licensed or registered.

(2) Any person employed as an athletic trainer by the Government of the United States, if such person provides athletic training solely under the direction or control of the organization by which he or she is employed.

(3) Any person pursuing a course of study leading to a degree or certificate in athletic training at an accredited educational program if such activities and services constitute a part of a supervised course of study involving daily personal or verbal contact at the site of supervision between the athletic training student and the licensed athletic trainer who plans, directs, advises, and evaluates the student's athletic training clinical education. The supervising licensed athletic trainer must be on-site where the athletic training clinical education is being obtained. A person meeting the criteria under this paragraph (3) must be designated by a title which clearly indicates his or her status as a student or trainee.

(4) (Blank).

(5) The practice of athletic training under the supervision of a licensed athletic trainer by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9 except the passing of the examination to be eligible to receive such license. In no event shall this exemption extend to any person for longer than 3 months. Anyone who has previously failed the examination, or who fails the examination during this 3-month period, shall immediately cease practice as an athletic trainer and shall not engage in the practice of athletic training again until he or she passes the examination.

(6) Any person in a coaching position from rendering emergency care on an as needed basis to the athletes under his or her supervision when a licensed athletic trainer is not available.

(7) Any person who is an athletic trainer from another nation, state, or territory acting as an athletic trainer while performing his duties for his or her respective non-Illinois based team or organization, so long as he or she restricts his or her duties to his or her team or organization during the course of his or her team's or organization's stay in this State. For the purposes of this Act, a team shall be considered based in Illinois if its home contests are held in Illinois, regardless of the location of the team's administrative offices.

(8) The practice of athletic training by persons licensed in another state who have applied in writing to the Department for licensure by endorsement for no longer than 6 months or until notification has been given that licensure has been granted or denied, whichever period of time is lesser.

(9) The practice of athletic training by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9 for no longer than 6 months or until notification has been given that licensure has been granted or denied, whichever period of time is lesser.

(10) The practice of athletic training by persons actively licensed as an athletic trainer in another state, or currently certified by the National Athletic Trainers Association Board of Certification, Inc., or its successor entity, at a special athletic tournament or event conducted by a sanctioned amateur athletic organization, including, but not limited to, the Prairie State Games and the Special Olympics, for no more than 14 days. This shall not include contests or events that are part of a scheduled series of regular season events.

(11) Athletic trainer aides from performing patient care activities under the on-site supervision of a licensed athletic trainer. These patient care activities shall not include interpretation of referrals or evaluation procedures, planning or major modifications of patient programs, administration of medication, or solo practice or event coverage without immediate access to a licensed athletic trainer.

Sec. 5. Administration of Licensure - Rules and Forms - Reports.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of Licensure Acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act.

(b) The Director may promulgate 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 which shall be issued in connection therewith. The rules shall include standards and criteria for licensure and for professional conduct and discipline. The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board's response and any recommendations made therein. The Department shall notify the Board in writing with proper explanation of deviations from the Board's recommendations and responses.

(c) 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.

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

Sec. 6. Athletic Training Board - Appointment - Membership - Term - Duties. The Director shall appoint an Illinois Board of Athletic Trainers as follows: 7 persons who shall be appointed by and shall serve in an advisory capacity to the Director. Two members must be licensed physicians; 4 members must be licensed athletic trainers in good standing, and actively engaged in the practice or teaching of athletic training in this State; and 1 member must be a public member who is not licensed under this Act, or a similar Act of another jurisdiction, and is not a provider of athletic health care service.

Members shall serve 4 year terms and until their successors are appointed and qualified. No member shall be reappointed to the Board for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

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

The Director shall consider the recommendation of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates and license holders under this Act.

Sec. 7. Applications for original licensure. Applications for original licensure 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 returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for licensure.

The applicant is entitled to licensure as an athletic trainer if he or she possesses the qualifications set forth in Section 9 hereof, and satisfactorily completes the examination administered by the National Athletic Trainers Association Board of Certification, Inc. (Source: P.A. 89-216, eff. 1-1-96.)

Sec. 8. Examinations.

If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for licensure under this Act within 3 years after filing his or her application, the application shall be denied. However, such applicant may thereafter file a new application

accompanied by the required fee.

The Department may engage the National Athletic Trainers Association Board of Certification, Inc. as consultants for the purposes of preparing and conducting examinations. (Source: P.A. 89-216, eff. 1-1-96.)

Sec. 9. Educational and Professional Requirements. A person having the qualifications prescribed in this Section shall be qualified to receive a license as an athletic trainer if he or she:

(a) Has graduated from a curriculum in athletic training accredited by the Joint Review Committee on Athletic Training (JRC-AT) of the Commission on Accreditation of Allied Health Education Programs (CAAHEP), its successor entity, or its equivalent, as approved by the Department.

(b) Gives proof of current certification, on the date of application, in CPR/AED for the Healthcare Professional or its equivalent based on American Red Cross or American Heart Association standards and graduation from a 4 year accredited college or university.

(c) Has passed an examination approved by the Department to determine his or her fitness for practice as an athletic trainer, or is entitled to be licensed without examination as provided in Sections 7 and 8 of this Act.

The Department may request a personal interview of an applicant before the Board to further evaluate his or her qualifications for a license.

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 forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Sec. 10. License expiration; renewal; continuing education requirement. The expiration date of licenses issued under this Act shall be set by rule. Licenses shall be renewed according to procedures established by the Department and upon payment of the renewal fee established herein and proof of completion of approved continuing education relating to the performance and practice of athletic training. The number of hours required and their composition shall be set by rule. (Source: P.A. 94-246, eff. 1-1-06.)

Sec. 11. Inactive licenses. Any athletic trainer who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an 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.

Any athletic trainer requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license.

Sec. 12. Restoration of expired licenses. An athletic trainer who has permitted his or her registration to expire or who has had his or her license on inactive status may have his or her

license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the athletic trainer has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule with the advice of the Board his or her fitness to resume active status and may require the athletic trainer to complete a period of evaluated clinical experience and may require successful completion of an examination.

Any athletic trainer whose license has been expired for more than 5 years may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction and by paying the required restoration fee. However, any athletic trainer whose license has expired while he or she has been engaged (1) in the federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training, or education, other than by dishonorable discharge, he or she furnished the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

Sec. 13. Endorsement. The Department may, at its discretion, license as an athletic trainer, without examination, on payment of the fee, an applicant for licensure who is an athletic trainer registered or licensed under the laws of another state if the requirements pertaining to athletic trainers in such state were at the date of his or her registration or licensure substantially equal to the requirements in force in Illinois on that date. If the requirements of that state are not substantially equal to the Illinois requirements, or if at the time of application the state in which the applicant has been practicing does not regulate the practice of athletic training, and the applicant began practice in that state prior to January 1, 2004, a person having the qualifications prescribed in this Section may be qualified to receive a license as an athletic trainer if he or she:

(1) has passed an examination approved by the Department to determine his or her fitness for practice as an athletic trainer; and

(2) gives proof of current certification, on the date of application, in CPR/AED for the Healthcare Professional or equivalent based on American Red Cross or American Heart Association standards.

The Department may request a personal interview of an applicant before the Board to further evaluate his or her qualifications for a license.

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.

Sec. 14. Fees; returned checks. The fees for administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration shall be set by rule.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50.

The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

Sec. 15. Roster of licensees. The Department shall maintain a roster of the names and addresses of all licensees and of all persons whose license has been suspended or revoked within the previous year. This roster shall be available upon written request and payment of the required fee.

Sec. 16. Refusal to issue, suspension, or revocation of license. The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem proper, including fines not to exceed \$5,000 for each violation, with regard to any licensee for any one or combination of the following:

(A) Material misstatement in furnishing information to the Department;

(B) Negligent or intentional disregard of this Act, or of the rules or regulations promulgated hereunder;

(C) Conviction of any crime under the laws of the United States or any state or territory thereof that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) of any crime that is directly related to the practice of the profession;

(D) Making any misrepresentation for the purpose of obtaining registration, or violating any provision of this Act;

(E) Professional incompetence;

(F) 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 intoxication or addiction to the use of drugs;

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

(L) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

(M) A finding that the licensee after having his or her license placed on probationary status has violated the terms of probation;

(N) Abandonment of an athlete;

(O) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with State agencies or departments;

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

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

(R) Solicitation of professional services other than by permitted institutional policy;

(S) The use of any words, abbreviations, figures or letters with the intention of indicating practice as an athletic trainer without a valid license as an athletic trainer under this Act;

(T) The evaluation or treatment of ailments of human beings other than by the practice of athletic training as defined in this Act or the treatment of injuries of athletes by a licensed athletic trainer except by the referral of a physician, podiatrist, or dentist;

(U) Willfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit-forming drugs;

(V) Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;

(W) Continued practice by a person knowingly having an infectious communicable or contagious disease;

(X) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act and upon

proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(Y) Failure to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied; or

(Z) Failure to fulfill continuing education requirements as prescribed in Section 10 of this Act.

The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the athletic trainer is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the athlete; and upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

Sec. 16.5. 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.

Sec. 17. Violations - Injunction - Cease and desist order.

(a) If any person violates the provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining 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 shall hold himself out in a manner prohibited by this Act, any interested party or any person injured thereby may, in addition to the Director, 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. 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.

Sec. 17.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed athletic trainer 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 \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department 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.

Sec. 18. Investigations; 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. The Department shall, before refusing to issue or to renew a license or disciplining a registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee to file a written answer to the Board 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 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 Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of his or her 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 such statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Board may continue a hearing from time to time.

Sec. 19. Stenographer - Transcript. 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 the 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 Board and order of the Department shall be the record of such proceeding.

Sec. 20. 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 20 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.

Sec. 21. Findings and recommendations. At the conclusion of the hearing the Board shall present to the Director a written report of its findings and recommendations. The report shall contain a finding of 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 Director.

The report of findings and recommendations of the Board shall be the basis for the Department's order of refusal or for the granting of licensure unless the Director shall determine that the Board report is contrary to the manifest weight of the evidence, in which case the Director may issue an order in contravention of the Board report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

Sec. 22. Rehearing. In any case involving the refusal to issue or renew a license or the discipline of a licensee, 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 such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Director may enter an order in accordance with recommendations of the Board except as provided in Section 23 of this Act. If the respondent shall order from the reporting service, and pay 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.

Sec. 23. Director - Rehearing. Whenever the Director is satisfied that substantial justice has not been done in the revocation or suspension of a license or refusal to issue or renew a license, the Director may order a rehearing by the same or other examiners.

Sec. 24. Hearing officer appointment. The Director 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 licensee. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the Board and the Director. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendation to the Director. If the Board fails to present its report within the 60 day period, the Director shall issue an order based on the report of the hearing officer. If the Director determines that the Board's report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board's report.

Sec. 25. Order or certified copy thereof - Prima facie proof. An order or a certified copy

thereof, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof:

- (a) That such signature is the genuine signature of the Director;
- (b) That such Director is duly appointed and qualified;
- (c) That the Board and the members thereof are qualified to act.

Sec. 26. Restoration of suspended or revoked license. At any time after the suspension or revocation of any license, the Department may restore it to the accused person upon the written recommendation of the Board unless, after an investigation and a hearing, the Board determines that restoration is not in the public interest.

Sec. 27. Surrender of license. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department, and if he or she fails to do so, the Department shall have the right to seize the license.

Sec. 28. Temporary suspension of a license. The Director may temporarily suspend the license of an athletic trainer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 20 of this Act, if the Director finds that evidence in his or her possession indicates that an athletic trainer's continuation in practice would constitute an imminent danger to the public. In the event that the Director suspends, temporarily, the license of an athletic trainer without a hearing, a hearing by the Board must be held within 30 days after such suspension has occurred.

Sec. 29. Administrative review - Venue. 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 relief resides; but if the party is not a resident of this State, the venue shall be in Sangamon County.

Sec. 30. Certifications of record; costs. 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 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.

Sec. 31. Violations. 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.

Sec. 32. Administrative Procedure Act applicable. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein 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 certificate holder has

the right to show compliance with all lawful requirements for retention, continuation or renewal of certification is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Sec. 33. Public policy. 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.

Sec. 34. Persons currently practicing. Any person currently holding an active Illinois license as an athletic trainer on the effective date of this amendatory Act of the 94th General Assembly shall be considered licensed under this Act.

Applications for a license under this Section must be made within 180 days from the effective date of this Act.

Sec. 34.1. Partial invalidity. If any portion of this Act is held invalid, such invalidity shall not affect any other part of this Act, which can be given effect without the invalid portion.

Sec. 35. Deposit of fees and fines; appropriations. All of the fees and fines collected under this Act shall be deposited in the General Professions Dedicated Fund. All monies in the fund shall be used by the Department, as appropriated, for the ordinary and contingent expenses of the Department.