

**SB0771**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB0771**

Introduced 2/1/2017, by Sen. Iris Y. Martinez

**SYNOPSIS AS INTRODUCED:**

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Illinois Speech-Language Pathology and Audiology Practice Act from January 1, 2018 to January 1, 2028. Amends the Illinois Speech-Language Pathology and Audiology Practice Act. Provides that all applicants and licensees shall provide a valid address and email address, which shall serve as the address and email address of record, and shall inform the Department of Financial and Professional Regulation of any change of address or email address through specified means. Provides provisions concerning confidentiality of information collected by the Department in the course of an examination or investigation. Makes changes in provisions concerning definitions, the Board of Speech-Language Pathology and Audiology, grounds for discipline of license, investigations, notices, hearings, appointment of a hearing officer, restoration of a license, certification of records, and the application of the Illinois Administrative Procedure Act. Removes provisions concerning a roster of speech-language pathologists and audiologists. Effective immediately.

LRB100 05744 SMS 15767 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following  
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 The Podiatric Medical Practice Act of 1987.

11 The Acupuncture Practice Act.

12 ~~The Illinois Speech Language Pathology and Audiology~~  
13 ~~Practice Act.~~

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 The Clinical Social Work and Social Work Practice Act.

17 The Pharmacy Practice Act.

18 The Home Medical Equipment and Services Provider License  
19 Act.

20 The Marriage and Family Therapy Licensing Act.

21 The Nursing Home Administrators Licensing and Disciplinary  
22 Act.

23 The Physician Assistant Practice Act of 1987.

1 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;  
2 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.  
3 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,  
4 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;  
5 96-328, eff. 8-11-09.)

6 (5 ILCS 80/4.38 new)

7 Sec. 4.38. Act repealed on January 1, 2028. The following  
8 Act is repealed on January 1, 2028:

9 The Illinois Speech-Language Pathology and Audiology  
10 Practice Act.

11 Section 10. The Illinois Speech-Language Pathology and  
12 Audiology Practice Act is amended by changing Sections 3, 5,  
13 8.5, 16, 17, 22, 23, 24.1, and 34 and by adding Sections 4.5  
14 and 34.1 as follows:

15 (225 ILCS 110/3) (from Ch. 111, par. 7903)

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

17 Sec. 3. Definitions. The following words and phrases shall  
18 have the meaning ascribed to them in this Section unless the  
19 context clearly indicates otherwise:

20 (a) "Department" means the Department of Financial and  
21 Professional Regulation.

22 (b) "Secretary" means the Secretary of Financial and  
23 Professional Regulation.

1 (c) "Board" means the Board of Speech-Language Pathology  
2 and Audiology established under Section 5 of this Act.

3 (d) "Speech-Language Pathologist" means a person who has  
4 received a license pursuant to this Act and who engages in the  
5 practice of speech-language pathology.

6 (e) "Audiologist" means a person who has received a license  
7 pursuant to this Act and who engages in the practice of  
8 audiology.

9 (f) "Public member" means a person who is not a health  
10 professional. For purposes of board membership, any person with  
11 a significant financial interest in a health service or  
12 profession is not a public member.

13 (g) "The practice of audiology" is the application of  
14 nonmedical methods and procedures for the identification,  
15 measurement, testing, appraisal, prediction, habilitation,  
16 rehabilitation, or instruction related to hearing and  
17 disorders of hearing. These procedures are for the purpose of  
18 counseling, consulting and rendering or offering to render  
19 services or for participating in the planning, directing or  
20 conducting of programs that are designed to modify  
21 communicative disorders involving speech, language or auditory  
22 function related to hearing loss. The practice of audiology may  
23 include, but shall not be limited to, the following:

24 (1) any task, procedure, act, or practice that is  
25 necessary for the evaluation of hearing or vestibular  
26 function;

- 1 (2) training in the use of amplification devices;
- 2 (3) the fitting, dispensing, or servicing of hearing
- 3 instruments; and
- 4 (4) performing basic speech and language screening
- 5 tests and procedures consistent with audiology training.

6 (h) "The practice of speech-language pathology" is the  
7 application of nonmedical methods and procedures for the  
8 identification, measurement, testing, appraisal, prediction,  
9 habilitation, rehabilitation, and modification related to  
10 communication development, and disorders or disabilities of  
11 speech, language, voice, swallowing, and other speech,  
12 language and voice related disorders. These procedures are for  
13 the purpose of counseling, consulting and rendering or offering  
14 to render services, or for participating in the planning,  
15 directing or conducting of programs that are designed to modify  
16 communicative disorders and conditions in individuals or  
17 groups of individuals involving speech, language, voice and  
18 swallowing function.

19 "The practice of speech-language pathology" shall include,  
20 but shall not be limited to, the following:

- 21 (1) hearing screening tests and aural rehabilitation
- 22 procedures consistent with speech-language pathology
- 23 training;
- 24 (2) tasks, procedures, acts or practices that are
- 25 necessary for the evaluation of, and training in the use
- 26 of, augmentative communication systems, communication

1 variation, cognitive rehabilitation, non-spoken language  
2 production and comprehension; and

3 (3) the use of rigid or flexible laryngoscopes for the  
4 sole purpose of observing and obtaining images of the  
5 pharynx and larynx in accordance with Section 9.3 of this  
6 Act.

7 (i) "Speech-language pathology assistant" means a person  
8 who has received a license pursuant to this Act to assist a  
9 speech-language pathologist in the manner provided in this Act.

10 (j) "Physician" means a physician licensed to practice  
11 medicine in all its branches under the Medical Practice Act of  
12 1987.

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

17 (l) "Address of record" means the designated address  
18 recorded by the Department in the applicant's or licensee's  
19 application file or license file as maintained by the  
20 Department's licensure maintenance unit.

21 (Source: P.A. 95-465, eff. 8-27-07; 96-719, eff. 8-25-09.)

22 (225 ILCS 110/4.5 new)

23 Sec. 4.5. Address of record; email address of record. All  
24 applicants and licensees shall:

25 (1) provide a valid address and email address to the

1 Department, which shall serve as the address of record and  
2 email address of record, respectively, at the time of  
3 application for licensure or renewal of a license; and

4 (2) inform the Department of any change of address of  
5 record or email address of record within 14 days after such  
6 change either through the Department's website or by  
7 contacting the Department's licensure maintenance unit.

8 (225 ILCS 110/5) (from Ch. 111, par. 7905)

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

10 Sec. 5. Board of Speech-Language Pathology and Audiology.  
11 There is created a Board of Speech-Language Pathology and  
12 Audiology to be composed of persons designated from time to  
13 time by the Secretary, as follows:

14 (a) Five persons, 2 of whom have been licensed  
15 speech-language pathologists for a period of 5 years or  
16 more, 2 of whom have been licensed audiologists for a  
17 period of 5 years or more, and one public member. The board  
18 shall annually elect a chairperson and a vice-chairperson.

19 (b) Terms for all members shall be for 3 years. A  
20 member shall serve until his or her successor is appointed  
21 and qualified. Partial terms over 2 years in length shall  
22 be considered as full terms. A member may be reappointed  
23 for a successive term, but no member shall serve more than  
24 2 full terms.

25 (c) The membership of the Board should reasonably

1 reflect representation from the various geographic areas  
2 of the State.

3 (d) In making appointments to the Board, the Secretary  
4 shall give due consideration to recommendations by  
5 organizations of the speech-language pathology and  
6 audiology professions in Illinois, including the Illinois  
7 Speech-Language-Hearing Association and the Illinois  
8 Academy of Audiology, and shall promptly give due notice to  
9 such organizations of any vacancy in the membership of the  
10 Board. The Secretary may terminate the appointment of any  
11 member for any cause, which in the opinion of the  
12 Secretary, reasonably justifies such termination.

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

18 (f) The members of the Board may each receive as  
19 compensation a reasonable sum as determined by the  
20 Secretary for each day actually engaged in the duties of  
21 the office, and all legitimate and necessary expenses  
22 incurred in attending the meetings of the Board.

23 (g) Members of the Board shall have no liability ~~be~~  
24 ~~immune from suit~~ in any action based upon any disciplinary  
25 proceedings or other activity ~~activities~~ performed in good  
26 faith as members of the Board.



1           (h) The Secretary may consider the recommendations of  
2           the Board in establishing guidelines for professional  
3           conduct, the conduct of formal disciplinary proceedings  
4           brought under this Act, and qualifications of applicants.  
5           Notice of proposed rulemaking shall be transmitted to the  
6           Board and the Department shall review the response of the  
7           Board and any recommendations made in the response. The  
8           Department, at any time, may seek the expert advice and  
9           knowledge of the Board on any matter relating to the  
10          administration or enforcement of this Act.

11          (i) Whenever the Secretary is satisfied that  
12          substantial justice has not been done either in an  
13          examination or in the revocation, suspension, or refusal of  
14          a license, or other disciplinary action relating to a  
15          license, the Secretary may order a reexamination or  
16          rehearing.

17          (Source: P.A. 94-528, eff. 8-10-05; 95-465, eff. 8-27-07.)

18          (225 ILCS 110/8.5)

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

20          Sec. 8.5. Qualifications for licenses as a speech-language  
21          pathology assistant. A person is qualified to be licensed as a  
22          speech-language pathology assistant if that person has applied  
23          in writing or electronically on forms prescribed by the  
24          Department, has paid the required fees, and meets both of the  
25          following criteria:

1           (1) Is of good moral character. In determining moral  
2 character, the Department may take into consideration any  
3 felony conviction or plea of guilty or nolo contendere of  
4 the applicant, but such a conviction or plea shall not  
5 operate automatically as a complete bar to licensure.

6           (2) Has received an associate degree or bachelor's  
7 degree from a speech-language pathology assistant program  
8 that has been approved by the Department and that meets the  
9 minimum requirements set forth in Section 8.6.

10 (Source: P.A. 94-869, eff. 6-16-06; 95-465, eff. 8-27-07.)

11           (225 ILCS 110/16) (from Ch. 111, par. 7916)

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

13           Sec. 16. Refusal, revocation or suspension of licenses.

14           (1) The Department may refuse to issue or renew, or may  
15 revoke, suspend, place on probation, censure, reprimand or take  
16 other disciplinary or non-disciplinary action as the  
17 Department may deem proper, including fines not to exceed  
18 \$10,000 for each violation, with regard to any license for any  
19 one or combination of the following causes:

20           (a) Fraud in procuring the license.

21           (b) (Blank).

22           (c) Willful or repeated violations of the rules of the  
23 Department of Public Health.

24           (d) Division of fees or agreeing to split or divide the  
25 fees received for speech-language pathology or audiology

1 services with any person for referring an individual, or  
2 assisting in the care or treatment of an individual,  
3 without the knowledge of the individual or his or her legal  
4 representative. Nothing in this paragraph (d) affects any  
5 bona fide independent contractor or employment  
6 arrangements among health care professionals, health  
7 facilities, health care providers, or other entities,  
8 except as otherwise prohibited by law. Any employment  
9 arrangements may include provisions for compensation,  
10 health insurance, pension, or other employment benefits  
11 for the provision of services within the scope of the  
12 licensee's practice under this Act. Nothing in this  
13 paragraph (d) shall be construed to require an employment  
14 arrangement to receive professional fees for services  
15 rendered.

16 (e) Employing, procuring, inducing, aiding or abetting  
17 a person not licensed as a speech-language pathologist or  
18 audiologist to engage in the unauthorized practice of  
19 speech-language pathology or audiology.

20 (e-5) Employing, procuring, inducing, aiding, or  
21 abetting a person not licensed as a speech-language  
22 pathology assistant to perform the functions and duties of  
23 a speech-language pathology assistant.

24 (f) Making any misrepresentations or false promises,  
25 directly or indirectly, to influence, persuade or induce  
26 patronage.

1 (g) Professional connection or association with, or  
2 lending his or her name to another for the illegal practice  
3 of speech-language pathology or audiology by another, or  
4 professional connection or association with any person,  
5 firm or corporation holding itself out in any manner  
6 contrary to this Act.

7 (h) Obtaining or seeking to obtain checks, money, or  
8 any other things of value by false or fraudulent  
9 representations, including but not limited to, engaging in  
10 such fraudulent practice to defraud the medical assistance  
11 program of the Department of Healthcare and Family Services  
12 (formerly Department of Public Aid).

13 (i) Practicing under a name other than his or her own.

14 (j) Improper, unprofessional or dishonorable conduct  
15 of a character likely to deceive, defraud or harm the  
16 public.

17 (k) Conviction by plea of guilty or nolo contendere,  
18 finding of guilt, jury verdict, or entry of judgment or  
19 sentencing, including, but not limited to, convictions,  
20 preceding sentences of supervision, conditional discharge,  
21 or first offender probation, under the laws of any  
22 jurisdiction of the United States that is (i) a felony or  
23 (ii) a misdemeanor, an essential element of which is  
24 dishonesty, or that is directly related to the practice of  
25 the profession. ~~Conviction of or entry of a plea of guilty~~  
26 ~~or nolo contendere to any crime that is a felony under the~~

1 ~~laws of the United States or any state or territory~~  
2 ~~thereof, or that is a misdemeanor of which an essential~~  
3 ~~element is dishonesty, or that is directly related to the~~  
4 ~~practice of the profession.~~

5 (1) Permitting a person under his or her supervision to  
6 perform any function not authorized by this Act.

7 (m) A violation of any provision of this Act or rules  
8 promulgated thereunder.

9 (n) Discipline by another state, the District of  
10 Columbia, territory, or foreign nation of a license to  
11 practice speech-language pathology or audiology or a  
12 license to practice as a speech-language pathology  
13 assistant in its jurisdiction if at least one of the  
14 grounds for that discipline is the same as or the  
15 equivalent of one of the grounds for discipline set forth  
16 herein.

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

20 (p) Gross or repeated malpractice.

21 (q) Willfully making or filing false records or reports  
22 in his or her practice as a speech-language pathologist,  
23 speech-language pathology assistant, or audiologist,  
24 including, but not limited to, false records to support  
25 claims against the public assistance program of the  
26 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid).

2 (r) Professional incompetence as manifested by poor  
3 standards of care or mental incompetence as declared by a  
4 court of competent jurisdiction.

5 (s) Repeated irregularities in billing a third party  
6 for services rendered to an individual. For purposes of  
7 this Section, "irregularities in billing" shall include:

8 (i) reporting excessive charges for the purpose of  
9 obtaining a total payment in excess of that usually  
10 received by the speech-language pathologist,  
11 speech-language pathology assistant, or audiologist  
12 for the services rendered;

13 (ii) reporting charges for services not rendered;  
14 or

15 (iii) incorrectly reporting services rendered for  
16 the purpose of obtaining payment not earned.

17 (t) (Blank).

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

20 (v) Inability to practice with reasonable judgment,  
21 skill, or safety as a result of habitual or excessive use  
22 of or addiction to alcohol, narcotics, or stimulants or any  
23 other chemical agent or drug or as a result of physical  
24 illness, including, but not limited to, deterioration  
25 through the aging process or loss of motor skill, mental  
26 illness, or disability.

1 (w) Violation of the Hearing Instrument Consumer  
2 Protection Act.

3 (x) Failure by a speech-language pathology assistant  
4 and supervising speech-language pathologist to comply with  
5 the supervision requirements set forth in Section 8.8.

6 (y) Willfully ~~Wilfully~~ exceeding the scope of duties  
7 customarily undertaken by speech-language pathology  
8 assistants set forth in Section 8.7 that results in, or may  
9 result in, harm to the public.

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

14 (aa) Being named as a perpetrator in an indicated  
15 report by the Department on Aging under the Adult  
16 Protective Services Act, and upon proof by clear and  
17 convincing evidence that the licensee has caused an  
18 eligible adult to be abused, neglected, or financially  
19 exploited as defined in the Adult Protective Services Act.

20 (2) The Department shall deny a license or renewal  
21 authorized by this Act to any person who has defaulted on an  
22 educational loan guaranteed by the Illinois State Scholarship  
23 Commission; however, the Department may issue a license or  
24 renewal if the aforementioned persons have established a  
25 satisfactory repayment record as determined by the Illinois  
26 State Scholarship Commission.

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

15           (4) The Department may refuse to issue or may suspend the  
16 license of any person who fails to file a return, or to pay the  
17 tax, penalty, or interest shown in a filed return, or to pay  
18 any final assessment of the tax penalty or interest, as  
19 required by any tax Act administered by the Department of  
20 Revenue, until such time as the requirements of any such tax  
21 Act are satisfied.

22           (5) In enforcing this Section, the Board upon a showing of  
23 a possible violation may compel an individual licensed to  
24 practice under this Act, or who has applied for licensure  
25 pursuant to this Act, to submit to a mental or physical  
26 examination, or both, as required by and at the expense of the



1 Department. The examining physicians or clinical psychologists  
2 shall be those specifically designated by the Board. The  
3 individual to be examined may have, at his or her own expense,  
4 another physician or clinical psychologist of his or her choice  
5 present during all aspects of this examination. Failure of any  
6 individual to submit to a mental or physical examination, when  
7 directed, shall be grounds for suspension of his or her license  
8 until the individual submits to the examination if the Board  
9 finds, after notice and hearing, that the refusal to submit to  
10 the examination was without reasonable cause.

11 If the Board finds an individual unable to practice because  
12 of the reasons set forth in this Section, the Board may require  
13 that individual to submit to care, counseling, or treatment by  
14 physicians or clinical psychologists approved or designated by  
15 the Board, as a condition, term, or restriction for continued,  
16 restored ~~reinstated~~, or renewed licensure to practice; or, in  
17 lieu of care, counseling, or treatment, the Board may recommend  
18 to the Department to file a complaint to immediately suspend,  
19 revoke, or otherwise discipline the license of the individual.  
20 Any individual whose license was granted, continued, restored  
21 ~~reinstated~~, renewed, disciplined or supervised subject to such  
22 terms, conditions, or restrictions, and who fails to comply  
23 with such terms, conditions, or restrictions, shall be referred  
24 to the Secretary for a determination as to whether the  
25 individual shall have his or her license suspended immediately,  
26 pending a hearing by the Board.

1           In instances in which the Secretary immediately suspends a  
2 person's license under this Section, a hearing on that person's  
3 license must be convened by the Board within 15 days after the  
4 suspension and completed without appreciable delay. The Board  
5 shall have the authority to review the subject individual's  
6 record of treatment and counseling regarding the impairment to  
7 the extent permitted by applicable federal statutes and  
8 regulations safeguarding the confidentiality of medical  
9 records.

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

15           (Source: P.A. 95-331, eff. 8-21-07; 95-465, eff. 8-27-07;  
16 96-1482, eff. 11-29-10.)

17           (225 ILCS 110/17) (from Ch. 111, par. 7917)

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

19           Sec. 17. Investigations; notice; hearings. Licenses may be  
20 refused, revoked, or suspended in the manner provided by this  
21 Act and not otherwise. The Department may upon its own motion  
22 and shall upon the verified complaint in writing of any person  
23 setting forth facts that if proven would constitute grounds for  
24 refusal to issue, suspend, or revoke under this Act,  
25 investigate the actions of any person applying for, holding, or

1 claiming to hold a license.

2 The Department shall, before refusing to issue or renew or  
3 suspending or revoking any license or taking other disciplinary  
4 action pursuant to Section 16 of this Act, and at least 30 days  
5 prior to the date set for the hearing, notify, in writing, the  
6 applicant for or the holder of such license of any charges  
7 made, afford the accused person an opportunity to be heard in  
8 person or by counsel in reference thereto, and direct the  
9 applicant or licensee to file a written answer to the Board  
10 under oath within 20 days after the service of the notice and  
11 inform the applicant or licensee that failure to file an answer  
12 will result in default being taken against the applicant or  
13 licensee and that the license or certificate may be suspended,  
14 revoked, placed on probationary status, or other disciplinary  
15 action may be taken, including limiting the scope, nature, or  
16 extent of practice, as the Secretary may deem proper. Written  
17 or electronic notice may be served by personal delivery, ~~of the~~  
18 ~~same personally to the accused person or by mailing the same by~~  
19 ~~certified mail, or email~~ to the applicant or licensee at his or  
20 her address of record or email address of record ~~his or her~~  
21 ~~last known place of residence or to the place of business last~~  
22 ~~specified by the accused person in his or her last notification~~  
23 ~~to the Department~~. In case the person fails to file an answer  
24 after receiving notice, his or her license or certificate may,  
25 in the discretion of the Department, be suspended, revoked, or  
26 placed on probationary status or the Department may take

1 whatever disciplinary action deemed proper, including limiting  
2 the scope, nature, or extent of the person's practice or the  
3 imposition of a fine, without a hearing, if the act or acts  
4 charged constitute sufficient grounds for such action under  
5 this Act.

6 At the time and place fixed in the notice, the Board shall  
7 proceed to hearing of the charges and both the accused person  
8 and the Department ~~complainant~~ shall be accorded ample  
9 opportunity to present, in person or by counsel, any  
10 statements, testimony, evidence, and arguments as may be  
11 pertinent to the charges or to their defense. The Board may  
12 continue such hearing from time to time. If the Board is not  
13 sitting at the time and place fixed in the notice or at the  
14 time and place to which the hearing shall have been continued,  
15 the Department shall continue such hearing for a period not to  
16 exceed 30 days.

17 (Source: P.A. 95-465, eff. 8-27-07.)

18 (225 ILCS 110/22) (from Ch. 111, par. 7922)

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

20 Sec. 22. Appointment of a hearing officer. The Secretary  
21 has ~~shall have~~ the authority to appoint any attorney duly  
22 licensed to practice law in the State of Illinois to serve as  
23 the hearing officer for any action for refusal to issue,  
24 restore, or renew a license or discipline of a license. The  
25 hearing officer shall have full authority to conduct the

1 hearing. Board members may attend hearings. The hearing officer  
2 shall report his or her findings and recommendations to the  
3 Board and the Secretary. The Board shall review the report of  
4 the hearing officer and present its findings of fact,  
5 conclusions of law and recommendations to the Secretary and to  
6 all parties to the proceedings. If the Secretary disagrees in  
7 any regard with the Board's report, he or she may issue an  
8 order in contravention of the Board's report.

9 (Source: P.A. 95-465, eff. 8-27-07.)

10 (225 ILCS 110/23) (from Ch. 111, par. 7923)

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

12 Sec. 23. Restoration. At any time after suspension,  
13 revocation, placement on probationary status, or the taking of  
14 any other disciplinary action with regard to any license, the  
15 Department may restore the license, or take any other action to  
16 restore ~~reinstate~~ the license to good standing upon the written  
17 recommendation of the Board, unless after an investigation and  
18 a hearing, the Board determines that restoration is not in the  
19 public interest. No person whose license has been revoked as  
20 authorized in this Act may apply for restoration of that  
21 license until such time as provided for in the Civil  
22 Administrative Code of Illinois.

23 A license that has been suspended or revoked shall be  
24 considered nonrenewed for purposes of restoration and a person  
25 restoring his or her license from suspension or revocation must

1 comply with the requirements for restoration of a nonrenewed  
2 license as set forth in Section 11 of this Act and any related  
3 rules adopted.

4 (Source: P.A. 95-465, eff. 8-27-07.)

5 (225 ILCS 110/24.1)

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

7 Sec. 24.1. Certifications of record; costs. The Department  
8 shall not be required to certify any record to the court, to  
9 file an answer in court, or to otherwise appear in any court in  
10 a judicial review proceeding unless and until the Department  
11 has received from the plaintiff ~~there is filed in the court,~~  
12 ~~with the complaint, a receipt from the Department acknowledging~~  
13 payment of the costs of furnishing and certifying the record,  
14 which costs shall be determined by the Department. Exhibits  
15 shall be certified without cost. Failure on the part of the  
16 plaintiff to file the receipt in court is grounds for dismissal  
17 of the action.

18 (Source: P.A. 95-465, eff. 8-27-07.)

19 (225 ILCS 110/34) (from Ch. 111, par. 7934)

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

21 Sec. 34. Illinois Administrative Procedure Act. The  
22 Illinois Administrative Procedure Act is hereby expressly  
23 adopted and incorporated herein as if all of the provisions of  
24 that Act were included in this Act, except that the provision

1 of subsection (d) of Section 10-65 of the Illinois  
2 Administrative Procedure Act that provides that at hearings the  
3 speech-language pathologist or audiologist has the right to  
4 show compliance with all lawful requirements for retention,  
5 continuation or renewal of the license is specifically  
6 excluded. For the purposes of this Act, the notice required  
7 under Section 10-25 of the Illinois Administrative Procedure  
8 Act is deemed sufficient when mailed or emailed to the  
9 applicant or licensee at his or her last-known address of  
10 record or email address of record ~~a party~~.

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

12 (225 ILCS 110/34.1 new)

13 Sec. 34.1. Confidentiality. All information collected by  
14 the Department in the course of an examination or investigation  
15 of a licensee or applicant, including, but not limited to, any  
16 complaint against a licensee filed with the Department and  
17 information collected to investigate any such complaint, shall  
18 be maintained for the confidential use of the Department and  
19 shall not be disclosed. The Department may not disclose the  
20 information to anyone other than law enforcement officials,  
21 other regulatory agencies that have an appropriate regulatory  
22 interest as determined by the Secretary, or a party presenting  
23 a lawful subpoena to the Department. Information and documents  
24 disclosed to a federal, State, county, or local law enforcement  
25 agency shall not be disclosed by the agency for any purpose to

1 any other agency or person. A formal complaint filed against a  
2 licensee by the Department or any order issued by the  
3 Department against a licensee or applicant shall be a public  
4 record, except as otherwise prohibited by law.

5 (225 ILCS 110/10 rep.)

6 Section 15. The Illinois Speech-Language Pathology and  
7 Audiology Practice Act is amended by repealing Section 10.

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



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2		Statutes amended in order of appearance
3	5 ILCS 80/4.28	
4	5 ILCS 80/4.38 new	
5	225 ILCS 110/3	from Ch. 111, par. 7903
6	225 ILCS 110/4.5 new	
7	225 ILCS 110/5	from Ch. 111, par. 7905
8	225 ILCS 110/8.5	
9	225 ILCS 110/16	from Ch. 111, par. 7916
10	225 ILCS 110/17	from Ch. 111, par. 7917
11	225 ILCS 110/22	from Ch. 111, par. 7922
12	225 ILCS 110/23	from Ch. 111, par. 7923
13	225 ILCS 110/24.1	
14	225 ILCS 110/34	from Ch. 111, par. 7934
15	225 ILCS 110/34.1 new	
16	225 ILCS 110/10 rep.	