

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 1. Short title. This Act may be cited as the Career
5 Preservation and Student Loan Repayment Act.

6 Section 5. License; student loan default. Notwithstanding
7 any other provision of law, no governmental agency or board
8 established under a statute of this State may impose or refer a
9 matter to any other governmental agency to impose a denial,
10 refusal to renew, suspension, revocation, or other
11 disciplinary action upon a professional or occupational
12 license issued under the laws of this State for a person's
13 delinquency, default, or other failure to perform on an
14 educational loan or scholarship provided by or guaranteed by
15 the Illinois Student Assistance Commission or any governmental
16 agency of this State.

17 Section 705. The Department of Professional Regulation Law
18 of the Civil Administrative Code of Illinois is amended by
19 changing Sections 2105-15 and 2105-207 as follows:

20 (20 ILCS 2105/2105-15)

21 Sec. 2105-15. General powers and duties.

1 (a) The Department has, subject to the provisions of the
2 Civil Administrative Code of Illinois, the following powers and
3 duties:

4 (1) To authorize examinations in English to ascertain
5 the qualifications and fitness of applicants to exercise
6 the profession, trade, or occupation for which the
7 examination is held.

8 (2) To prescribe rules and regulations for a fair and
9 wholly impartial method of examination of candidates to
10 exercise the respective professions, trades, or
11 occupations.

12 (3) To pass upon the qualifications of applicants for
13 licenses, certificates, and authorities, whether by
14 examination, by reciprocity, or by endorsement.

15 (4) To prescribe rules and regulations defining, for
16 the respective professions, trades, and occupations, what
17 shall constitute a school, college, or university, or
18 department of a university, or other institution,
19 reputable and in good standing, and to determine the
20 reputability and good standing of a school, college, or
21 university, or department of a university, or other
22 institution, reputable and in good standing, by reference
23 to a compliance with those rules and regulations; provided,
24 that no school, college, or university, or department of a
25 university, or other institution that refuses admittance
26 to applicants solely on account of race, color, creed, sex,

1 sexual orientation, or national origin shall be considered
2 reputable and in good standing.

3 (5) To conduct hearings on proceedings to revoke,
4 suspend, refuse to renew, place on probationary status, or
5 take other disciplinary action as authorized in any
6 licensing Act administered by the Department with regard to
7 licenses, certificates, or authorities of persons
8 exercising the respective professions, trades, or
9 occupations and to revoke, suspend, refuse to renew, place
10 on probationary status, or take other disciplinary action
11 as authorized in any licensing Act administered by the
12 Department with regard to those licenses, certificates, or
13 authorities.

14 The Department shall issue a monthly disciplinary
15 report.

16 ~~The Department shall deny any license or renewal~~
17 ~~authorized by the Civil Administrative Code of Illinois to~~
18 ~~any person who has defaulted on an educational loan or~~
19 ~~scholarship provided by or guaranteed by the Illinois~~
20 ~~Student Assistance Commission or any governmental agency~~
21 ~~of this State; however, the Department may issue a license~~
22 ~~or renewal if the aforementioned persons have established a~~
23 ~~satisfactory repayment record as determined by the~~
24 ~~Illinois Student Assistance Commission or other~~
25 ~~appropriate governmental agency of this State.~~
26 ~~Additionally, beginning June 1, 1996, any license issued by~~

1 ~~the Department may be suspended or revoked if the~~
2 ~~Department, after the opportunity for a hearing under the~~
3 ~~appropriate licensing Act, finds that the licensee has~~
4 ~~failed to make satisfactory repayment to the Illinois~~
5 ~~Student Assistance Commission for a delinquent or~~
6 ~~defaulted loan. For the purposes of this Section,~~
7 ~~"satisfactory repayment record" shall be defined by rule.~~

8 The Department shall refuse to issue or renew a license
9 to, or shall suspend or revoke a license of, any person
10 who, after receiving notice, fails to comply with a
11 subpoena or warrant relating to a paternity or child
12 support proceeding. However, the Department may issue a
13 license or renewal upon compliance with the subpoena or
14 warrant.

15 The Department, without further process or hearings,
16 shall revoke, suspend, or deny any license or renewal
17 authorized by the Civil Administrative Code of Illinois to
18 a person who is certified by the Department of Healthcare
19 and Family Services (formerly Illinois Department of
20 Public Aid) as being more than 30 days delinquent in
21 complying with a child support order or who is certified by
22 a court as being in violation of the Non-Support Punishment
23 Act for more than 60 days. The Department may, however,
24 issue a license or renewal if the person has established a
25 satisfactory repayment record as determined by the
26 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid) or if the person is
2 determined by the court to be in compliance with the
3 Non-Support Punishment Act. The Department may implement
4 this paragraph as added by Public Act 89-6 through the use
5 of emergency rules in accordance with Section 5-45 of the
6 Illinois Administrative Procedure Act. For purposes of the
7 Illinois Administrative Procedure Act, the adoption of
8 rules to implement this paragraph shall be considered an
9 emergency and necessary for the public interest, safety,
10 and welfare.

11 (6) To transfer jurisdiction of any realty under the
12 control of the Department to any other department of the
13 State Government or to acquire or accept federal lands when
14 the transfer, acquisition, or acceptance is advantageous
15 to the State and is approved in writing by the Governor.

16 (7) To formulate rules and regulations necessary for
17 the enforcement of any Act administered by the Department.

18 (8) To exchange with the Department of Healthcare and
19 Family Services information that may be necessary for the
20 enforcement of child support orders entered pursuant to the
21 Illinois Public Aid Code, the Illinois Marriage and
22 Dissolution of Marriage Act, the Non-Support of Spouse and
23 Children Act, the Non-Support Punishment Act, the Revised
24 Uniform Reciprocal Enforcement of Support Act, the Uniform
25 Interstate Family Support Act, the Illinois Parentage Act
26 of 1984, or the Illinois Parentage Act of 2015.

1 Notwithstanding any provisions in this Code to the
2 contrary, the Department of Professional Regulation shall
3 not be liable under any federal or State law to any person
4 for any disclosure of information to the Department of
5 Healthcare and Family Services (formerly Illinois
6 Department of Public Aid) under this paragraph (8) or for
7 any other action taken in good faith to comply with the
8 requirements of this paragraph (8).

9 (8.5) To accept continuing education credit for
10 mandated reporter training on how to recognize and report
11 child abuse offered by the Department of Children and
12 Family Services and completed by any person who holds a
13 professional license issued by the Department and who is a
14 mandated reporter under the Abused and Neglected Child
15 Reporting Act. The Department shall adopt any rules
16 necessary to implement this paragraph.

17 (9) To perform other duties prescribed by law.

18 (a-5) Except in ~~cases involving default on an educational~~
19 ~~loan or scholarship provided by or guaranteed by the Illinois~~
20 ~~Student Assistance Commission or any governmental agency of~~
21 ~~this State or in~~ cases involving delinquency in complying with
22 a child support order or violation of the Non-Support
23 Punishment Act and notwithstanding anything that may appear in
24 any individual licensing Act or administrative rule, no person
25 or entity whose license, certificate, or authority has been
26 revoked as authorized in any licensing Act administered by the

1 Department may apply for restoration of that license,
2 certification, or authority until 3 years after the effective
3 date of the revocation.

4 (b) (Blank).

5 (c) For the purpose of securing and preparing evidence, and
6 for the purchase of controlled substances, professional
7 services, and equipment necessary for enforcement activities,
8 recoupment of investigative costs, and other activities
9 directed at suppressing the misuse and abuse of controlled
10 substances, including those activities set forth in Sections
11 504 and 508 of the Illinois Controlled Substances Act, the
12 Director and agents appointed and authorized by the Director
13 may expend sums from the Professional Regulation Evidence Fund
14 that the Director deems necessary from the amounts appropriated
15 for that purpose. Those sums may be advanced to the agent when
16 the Director deems that procedure to be in the public interest.
17 Sums for the purchase of controlled substances, professional
18 services, and equipment necessary for enforcement activities
19 and other activities as set forth in this Section shall be
20 advanced to the agent who is to make the purchase from the
21 Professional Regulation Evidence Fund on vouchers signed by the
22 Director. The Director and those agents are authorized to
23 maintain one or more commercial checking accounts with any
24 State banking corporation or corporations organized under or
25 subject to the Illinois Banking Act for the deposit and
26 withdrawal of moneys to be used for the purposes set forth in

1 this Section; provided, that no check may be written nor any
2 withdrawal made from any such account except upon the written
3 signatures of 2 persons designated by the Director to write
4 those checks and make those withdrawals. Vouchers for those
5 expenditures must be signed by the Director. All such
6 expenditures shall be audited by the Director, and the audit
7 shall be submitted to the Department of Central Management
8 Services for approval.

9 (d) Whenever the Department is authorized or required by
10 law to consider some aspect of criminal history record
11 information for the purpose of carrying out its statutory
12 powers and responsibilities, then, upon request and payment of
13 fees in conformance with the requirements of Section 2605-400
14 of the Department of State Police Law (20 ILCS 2605/2605-400),
15 the Department of State Police is authorized to furnish,
16 pursuant to positive identification, the information contained
17 in State files that is necessary to fulfill the request.

18 (e) The provisions of this Section do not apply to private
19 business and vocational schools as defined by Section 15 of the
20 Private Business and Vocational Schools Act of 2012.

21 (f) (Blank).

22 (g) Notwithstanding anything that may appear in any
23 individual licensing statute or administrative rule, the
24 Department shall deny any license application or renewal
25 authorized under any licensing Act administered by the
26 Department to any person who has failed to file a return, or to

1 pay the tax, penalty, or interest shown in a filed return, or
2 to pay any final assessment of tax, penalty, or interest, as
3 required by any tax Act administered by the Illinois Department
4 of Revenue, until such time as the requirement of any such tax
5 Act are satisfied; however, the Department may issue a license
6 or renewal if the person has established a satisfactory
7 repayment record as determined by the Illinois Department of
8 Revenue. For the purpose of this Section, "satisfactory
9 repayment record" shall be defined by rule.

10 In addition, a complaint filed with the Department by the
11 Illinois Department of Revenue that includes a certification,
12 signed by its Director or designee, attesting to the amount of
13 the unpaid tax liability or the years for which a return was
14 not filed, or both, is prima facie evidence of the licensee's
15 failure to comply with the tax laws administered by the
16 Illinois Department of Revenue. Upon receipt of that
17 certification, the Department shall, without a hearing,
18 immediately suspend all licenses held by the licensee.
19 Enforcement of the Department's order shall be stayed for 60
20 days. The Department shall provide notice of the suspension to
21 the licensee by mailing a copy of the Department's order to the
22 licensee's address of record or emailing a copy of the order to
23 the licensee's email address of record. The notice shall advise
24 the licensee that the suspension shall be effective 60 days
25 after the issuance of the Department's order unless the
26 Department receives, from the licensee, a request for a hearing

1 before the Department to dispute the matters contained in the
2 order.

3 Any suspension imposed under this subsection (g) shall be
4 terminated by the Department upon notification from the
5 Illinois Department of Revenue that the licensee is in
6 compliance with all tax laws administered by the Illinois
7 Department of Revenue.

8 The Department may promulgate rules for the administration
9 of this subsection (g).

10 (h) The Department may grant the title "Retired", to be
11 used immediately adjacent to the title of a profession
12 regulated by the Department, to eligible retirees. For
13 individuals licensed under the Medical Practice Act of 1987,
14 the title "Retired" may be used in the profile required by the
15 Patients' Right to Know Act. The use of the title "Retired"
16 shall not constitute representation of current licensure,
17 registration, or certification. Any person without an active
18 license, registration, or certificate in a profession that
19 requires licensure, registration, or certification shall not
20 be permitted to practice that profession.

21 (i) Within 180 days after December 23, 2009 (the effective
22 date of Public Act 96-852), the Department shall promulgate
23 rules which permit a person with a criminal record, who seeks a
24 license or certificate in an occupation for which a criminal
25 record is not expressly a per se bar, to apply to the
26 Department for a non-binding, advisory opinion to be provided

1 by the Board or body with the authority to issue the license or
2 certificate as to whether his or her criminal record would bar
3 the individual from the licensure or certification sought,
4 should the individual meet all other licensure requirements
5 including, but not limited to, the successful completion of the
6 relevant examinations.

7 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,
8 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;
9 100-262, eff. 8-22-17; revised 10-4-17.)

10 (20 ILCS 2105/2105-207)

11 Sec. 2105-207. Records of Department actions.

12 (a) Any licensee subject to a licensing Act administered by
13 the Division of Professional Regulation and who has been
14 subject to disciplinary action by the Department may file an
15 application with the Department on forms provided by the
16 Department, along with the required fee of \$175, to have the
17 records classified as confidential, not for public release, and
18 considered expunged for reporting purposes if:

19 (1) the application is submitted more than 3 years
20 after the disciplinary offense or offenses occurred or
21 after restoration of the license, whichever is later;

22 (2) the licensee has had no incidents of discipline
23 under the licensing Act since the disciplinary offense or
24 offenses identified in the application occurred;

25 (3) the Department has no pending investigations

1 against the licensee; and

2 (4) the licensee is not currently in a disciplinary
3 status.

4 (b) An application to make disciplinary records
5 confidential shall only be considered by the Department for an
6 offense or action relating to:

7 (1) failure to pay taxes ~~or student loans~~;

8 (2) continuing education;

9 (3) failure to renew a license on time;

10 (4) failure to obtain or renew a certificate of
11 registration or ancillary license;

12 (5) advertising;

13 (5.1) discipline based on criminal charges or
14 convictions:

15 (A) that did not arise from the licensed activity
16 and was unrelated to the licensed activity; or

17 (B) that were dismissed or for which records have
18 been sealed or expunged;

19 (5.2) past probationary status of a license issued to
20 new applicants on the sole or partial basis of prior
21 convictions; or

22 (6) any grounds for discipline removed from the
23 licensing Act.

24 (c) An application shall be submitted to and considered by
25 the Director of the Division of Professional Regulation upon
26 submission of an application and the required non-refundable

1 fee. The Department may establish additional requirements by
2 rule. The Department is not required to report the removal of
3 any disciplinary record to any national database. Nothing in
4 this Section shall prohibit the Department from using a
5 previous discipline for any regulatory purpose or from
6 releasing records of a previous discipline upon request from
7 law enforcement, or other governmental body as permitted by
8 law. Classification of records as confidential shall result in
9 removal of records of discipline from records kept pursuant to
10 Sections 2105-200 and 2105-205 of this Act.

11 (d) Any applicant for licensure or a licensee whose
12 petition for review is granted by the Department pursuant to
13 subsection (a-1) of Section 2105-165 of this Law may file an
14 application with the Department on forms provided by the
15 Department to have records relating to his or her permanent
16 denial or permanent revocation classified as confidential and
17 not for public release and considered expunged for reporting
18 purposes in the same manner and under the same terms as is
19 provided in this Section for the offenses listed in subsection
20 (b) of this Section, except that the requirements of a 7-year
21 waiting period and the \$200 application fee do not apply.

22 (Source: P.A. 100-262, eff. 8-22-17; 100-286, eff. 1-1-18;
23 revised 10-4-17.)

24 (20 ILCS 3310/80 rep.)

25 Section 710. The Nuclear Safety Law of 2004 is amended by

1 repealing Section 80.

2 Section 715. The School Code is amended by changing Section
3 21B-75 as follows:

4 (105 ILCS 5/21B-75)

5 Sec. 21B-75. Suspension or revocation of license.

6 (a) As used in this Section, "teacher" means any school
7 district employee regularly required to be licensed, as
8 provided in this Article, in order to teach or supervise in the
9 public schools.

10 (b) The State Superintendent of Education has the exclusive
11 authority, in accordance with this Section and any rules
12 adopted by the State Board of Education, in consultation with
13 the State Educator Preparation and Licensure Board, to initiate
14 the suspension of up to 5 calendar years or revocation of any
15 license issued pursuant to this Article for abuse or neglect of
16 a child, immorality, a condition of health detrimental to the
17 welfare of pupils, incompetency, unprofessional conduct (which
18 includes the failure to disclose on an employment application
19 any previous conviction for a sex offense, as defined in
20 Section 21B-80 of this Code, or any other offense committed in
21 any other state or against the laws of the United States that,
22 if committed in this State, would be punishable as a sex
23 offense, as defined in Section 21B-80 of this Code), the
24 neglect of any professional duty, willful failure to report an

1 instance of suspected child abuse or neglect as required by the
2 Abused and Neglected Child Reporting Act, ~~failure to establish~~
3 ~~satisfactory repayment on an educational loan guaranteed by the~~
4 ~~Illinois Student Assistance Commission,~~ or other just cause.
5 Unprofessional conduct shall include the refusal to attend or
6 participate in institutes, teachers' meetings, or professional
7 readings or to meet other reasonable requirements of the
8 regional superintendent of schools or State Superintendent of
9 Education. Unprofessional conduct also includes conduct that
10 violates the standards, ethics, or rules applicable to the
11 security, administration, monitoring, or scoring of or the
12 reporting of scores from any assessment test or examination
13 administered under Section 2-3.64a-5 of this Code or that is
14 known or intended to produce or report manipulated or
15 artificial, rather than actual, assessment or achievement
16 results or gains from the administration of those tests or
17 examinations. Unprofessional conduct shall also include
18 neglect or unnecessary delay in the making of statistical and
19 other reports required by school officers. Incompetency shall
20 include, without limitation, 2 or more school terms of service
21 for which the license holder has received an unsatisfactory
22 rating on a performance evaluation conducted pursuant to
23 Article 24A of this Code within a period of 7 school terms of
24 service. In determining whether to initiate action against one
25 or more licenses based on incompetency and the recommended
26 sanction for such action, the State Superintendent shall

1 consider factors that include without limitation all of the
2 following:

3 (1) Whether the unsatisfactory evaluation ratings
4 occurred prior to June 13, 2011 (the effective date of
5 Public Act 97-8).

6 (2) Whether the unsatisfactory evaluation ratings
7 occurred prior to or after the implementation date, as
8 defined in Section 24A-2.5 of this Code, of an evaluation
9 system for teachers in a school district.

10 (3) Whether the evaluator or evaluators who performed
11 an unsatisfactory evaluation met the pre-licensure and
12 training requirements set forth in Section 24A-3 of this
13 Code.

14 (4) The time between the unsatisfactory evaluation
15 ratings.

16 (5) The quality of the remediation plans associated
17 with the unsatisfactory evaluation ratings and whether the
18 license holder successfully completed the remediation
19 plans.

20 (6) Whether the unsatisfactory evaluation ratings were
21 related to the same or different assignments performed by
22 the license holder.

23 (7) Whether one or more of the unsatisfactory
24 evaluation ratings occurred in the first year of a teaching
25 or administrative assignment.

26 When initiating an action against one or more licenses, the

1 State Superintendent may seek required professional
2 development as a sanction in lieu of or in addition to
3 suspension or revocation. Any such required professional
4 development must be at the expense of the license holder, who
5 may use, if available and applicable to the requirements
6 established by administrative or court order, training,
7 coursework, or other professional development funds in
8 accordance with the terms of an applicable collective
9 bargaining agreement entered into after June 13, 2011 (the
10 effective date of Public Act 97-8), unless that agreement
11 specifically precludes use of funds for such purpose.

12 (c) The State Superintendent of Education shall, upon
13 receipt of evidence of abuse or neglect of a child, immorality,
14 a condition of health detrimental to the welfare of pupils,
15 incompetency (subject to subsection (b) of this Section),
16 unprofessional conduct, the neglect of any professional duty,
17 or other just cause, further investigate and, if and as
18 appropriate, serve written notice to the individual and afford
19 the individual opportunity for a hearing prior to suspension,
20 revocation, or other sanction; provided that the State
21 Superintendent is under no obligation to initiate such an
22 investigation if the Department of Children and Family Services
23 is investigating the same or substantially similar allegations
24 and its child protective service unit has not made its
25 determination, as required under Section 7.12 of the Abused and
26 Neglected Child Reporting Act. If the State Superintendent of

1 Education does not receive from an individual a request for a
2 hearing within 10 days after the individual receives notice,
3 the suspension, revocation, or other sanction shall
4 immediately take effect in accordance with the notice. If a
5 hearing is requested within 10 days after notice of an
6 opportunity for hearing, it shall act as a stay of proceedings
7 until the State Educator Preparation and Licensure Board issues
8 a decision. Any hearing shall take place in the educational
9 service region where the educator is or was last employed and
10 in accordance with rules adopted by the State Board of
11 Education, in consultation with the State Educator Preparation
12 and Licensure Board, and such rules shall include without
13 limitation provisions for discovery and the sharing of
14 information between parties prior to the hearing. The standard
15 of proof for any administrative hearing held pursuant to this
16 Section shall be by the preponderance of the evidence. The
17 decision of the State Educator Preparation and Licensure Board
18 is a final administrative decision and is subject to judicial
19 review by appeal of either party.

20 The State Board of Education may refuse to issue or may
21 suspend the license of any person who fails to file a return or
22 to pay the tax, penalty, or interest shown in a filed return or
23 to pay any final assessment of tax, penalty, or interest, as
24 required by any tax Act administered by the Department of
25 Revenue, until such time as the requirements of any such tax
26 Act are satisfied.

1 The exclusive authority of the State Superintendent of
2 Education to initiate suspension or revocation of a license
3 pursuant to this Section does not preclude a regional
4 superintendent of schools from cooperating with the State
5 Superintendent or a State's Attorney with respect to an
6 investigation of alleged misconduct.

7 (d) The State Superintendent of Education or his or her
8 designee may initiate and conduct such investigations as may be
9 reasonably necessary to establish the existence of any alleged
10 misconduct. At any stage of the investigation, the State
11 Superintendent may issue a subpoena requiring the attendance
12 and testimony of a witness, including the license holder, and
13 the production of any evidence, including files, records,
14 correspondence, or documents, relating to any matter in
15 question in the investigation. The subpoena shall require a
16 witness to appear at the State Board of Education at a
17 specified date and time and shall specify any evidence to be
18 produced. The license holder is not entitled to be present, but
19 the State Superintendent shall provide the license holder with
20 a copy of any recorded testimony prior to a hearing under this
21 Section. Such recorded testimony must not be used as evidence
22 at a hearing, unless the license holder has adequate notice of
23 the testimony and the opportunity to cross-examine the witness.
24 Failure of a license holder to comply with a duly issued,
25 investigatory subpoena may be grounds for revocation,
26 suspension, or denial of a license.

1 (e) All correspondence, documentation, and other
2 information so received by the regional superintendent of
3 schools, the State Superintendent of Education, the State Board
4 of Education, or the State Educator Preparation and Licensure
5 Board under this Section is confidential and must not be
6 disclosed to third parties, except (i) as necessary for the
7 State Superintendent of Education or his or her designee to
8 investigate and prosecute pursuant to this Article, (ii)
9 pursuant to a court order, (iii) for disclosure to the license
10 holder or his or her representative, or (iv) as otherwise
11 required in this Article and provided that any such information
12 admitted into evidence in a hearing is exempt from this
13 confidentiality and non-disclosure requirement.

14 (f) The State Superintendent of Education or a person
15 designated by him or her shall have the power to administer
16 oaths to witnesses at any hearing conducted before the State
17 Educator Preparation and Licensure Board pursuant to this
18 Section. The State Superintendent of Education or a person
19 designated by him or her is authorized to subpoena and bring
20 before the State Educator Preparation and Licensure Board any
21 person in this State and to take testimony either orally or by
22 deposition or by exhibit, with the same fees and mileage and in
23 the same manner as prescribed by law in judicial proceedings in
24 civil cases in circuit courts of this State.

25 (g) Any circuit court, upon the application of the State
26 Superintendent of Education or the license holder, may, by

1 order duly entered, require the attendance of witnesses and the
2 production of relevant books and papers as part of any
3 investigation or at any hearing the State Educator Preparation
4 and Licensure Board is authorized to conduct pursuant to this
5 Section, and the court may compel obedience to its orders by
6 proceedings for contempt.

7 (h) The State Board of Education shall receive an annual
8 line item appropriation to cover fees associated with the
9 investigation and prosecution of alleged educator misconduct
10 and hearings related thereto.

11 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.
12 6-13-11; 97-813, eff. 7-13-12; 98-972, eff. 8-15-14.)

13 Section 717. The Nursing Education Scholarship Law is
14 amended by changing Section 4 as follows:

15 (110 ILCS 975/4) (from Ch. 144, par. 2754)

16 Sec. 4. Functions of Department. The Department shall
17 prepare and supervise the issuance of public information about
18 the provisions of this Article; prescribe the form and regulate
19 the submission of applications for scholarships; determine the
20 eligibility of applicants; award the appropriate scholarships;
21 prescribe the contracts or other acknowledgments of
22 scholarship which an applicant is required to execute; and
23 determine whether all or any part of a recipient's scholarship
24 needs to be monetarily repaid, or has been excused from

1 repayment, and the extent of any repayment or excused
2 repayment. The Department may require a recipient to reimburse
3 the State for expenses, including but not limited to attorney's
4 fees, incurred by the Department or other agent of the State
5 for a successful legal action against the recipient for a
6 breach of any provision of the scholarship contract. ~~In a~~
7 ~~breach of contract, the Department may utilize referral to the~~
8 ~~Department of Professional Regulation to revoke, suspend,~~
9 ~~refuse to renew, place on probationary status, or take other~~
10 ~~disciplinary action concerning the recipient's credentials.~~
11 The Department is authorized to make all necessary and proper
12 rules, not inconsistent with this Article, for the efficient
13 exercise of the foregoing functions.

14 (Source: P.A. 92-43, eff. 1-1-02.)

15 Section 720. The Illinois Insurance Code is amended by
16 changing Section 500-70 as follows:

17 (215 ILCS 5/500-70)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 500-70. License denial, nonrenewal, or revocation.

20 (a) The Director may place on probation, suspend, revoke,
21 or refuse to issue or renew an insurance producer's license or
22 may levy a civil penalty in accordance with this Section or
23 take any combination of actions, for any one or more of the
24 following causes:

1 (1) providing incorrect, misleading, incomplete, or
2 materially untrue information in the license application;

3 (2) violating any insurance laws, or violating any
4 rule, subpoena, or order of the Director or of another
5 state's insurance commissioner;

6 (3) obtaining or attempting to obtain a license through
7 misrepresentation or fraud;

8 (4) improperly withholding, misappropriating or
9 converting any moneys or properties received in the course
10 of doing insurance business;

11 (5) intentionally misrepresenting the terms of an
12 actual or proposed insurance contract or application for
13 insurance;

14 (6) having been convicted of a felony, unless the
15 individual demonstrates to the Director sufficient
16 rehabilitation to warrant the public trust; consideration
17 of such conviction of an applicant shall be in accordance
18 with Section 500-76;

19 (7) having admitted or been found to have committed any
20 insurance unfair trade practice or fraud;

21 (8) using fraudulent, coercive, or dishonest
22 practices, or demonstrating incompetence,
23 untrustworthiness or financial irresponsibility in the
24 conduct of business in this State or elsewhere;

25 (9) having an insurance producer license, or its
26 equivalent, denied, suspended, or revoked in any other

1 state, province, district or territory;

2 (10) forging a name to an application for insurance or
3 to a document related to an insurance transaction;

4 (11) improperly using notes or any other reference
5 material to complete an examination for an insurance
6 license;

7 (12) knowingly accepting insurance business from an
8 individual who is not licensed;

9 (13) failing to comply with an administrative or court
10 order imposing a child support obligation;

11 (14) failing to pay state income tax or penalty or
12 interest or comply with any administrative or court order
13 directing payment of state income tax or failed to file a
14 return or to pay any final assessment of any tax due to the
15 Department of Revenue;

16 (15) (blank); or ~~failing to make satisfactory~~
17 ~~repayment to the Illinois Student Assistance Commission~~
18 ~~for a delinquent or defaulted student loan; or~~

19 (16) failing to comply with any provision of the
20 Viatical Settlements Act of 2009.

21 (b) If the action by the Director is to nonrenew, suspend,
22 or revoke a license or to deny an application for a license,
23 the Director shall notify the applicant or licensee and advise,
24 in writing, the applicant or licensee of the reason for the
25 suspension, revocation, denial or nonrenewal of the
26 applicant's or licensee's license. The applicant or licensee

1 may make written demand upon the Director within 30 days after
2 the date of mailing for a hearing before the Director to
3 determine the reasonableness of the Director's action. The
4 hearing must be held within not fewer than 20 days nor more
5 than 30 days after the mailing of the notice of hearing and
6 shall be held pursuant to 50 Ill. Adm. Code 2402.

7 (c) The license of a business entity may be suspended,
8 revoked, or refused if the Director finds, after hearing, that
9 an individual licensee's violation was known or should have
10 been known by one or more of the partners, officers, or
11 managers acting on behalf of the partnership, corporation,
12 limited liability company, or limited liability partnership
13 and the violation was neither reported to the Director nor
14 corrective action taken.

15 (d) In addition to or instead of any applicable denial,
16 suspension, or revocation of a license, a person may, after
17 hearing, be subject to a civil penalty of up to \$10,000 for
18 each cause for denial, suspension, or revocation, however, the
19 civil penalty may total no more than \$100,000.

20 (e) The Director has the authority to enforce the
21 provisions of and impose any penalty or remedy authorized by
22 this Article against any person who is under investigation for
23 or charged with a violation of this Code or rules even if the
24 person's license or registration has been surrendered or has
25 lapsed by operation of law.

26 (f) Upon the suspension, denial, or revocation of a

1 license, the licensee or other person having possession or
2 custody of the license shall promptly deliver it to the
3 Director in person or by mail. The Director shall publish all
4 suspensions, denials, or revocations after the suspensions,
5 denials, or revocations become final in a manner designed to
6 notify interested insurance companies and other persons.

7 (g) A person whose license is revoked or whose application
8 is denied pursuant to this Section is ineligible to apply for
9 any license for 3 years after the revocation or denial. A
10 person whose license as an insurance producer has been revoked,
11 suspended, or denied may not be employed, contracted, or
12 engaged in any insurance related capacity during the time the
13 revocation, suspension, or denial is in effect.

14 (Source: P.A. 100-286, eff. 1-1-18.)

15 Section 725. The Illinois Athletic Trainers Practice Act is
16 amended by changing Section 16 as follows:

17 (225 ILCS 5/16) (from Ch. 111, par. 7616)

18 (Section scheduled to be repealed on January 1, 2026)

19 Sec. 16. Grounds for discipline.

20 (1) The Department may refuse to issue or renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary action as the Department may deem proper,
23 including fines not to exceed \$10,000 for each violation, with
24 regard to any licensee for any one or combination of the

1 following:

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

4 (B) Violations of this Act, or of the rules or
5 regulations promulgated hereunder;

6 (C) Conviction of or plea of guilty to any crime under
7 the Criminal Code of 2012 or the laws of any jurisdiction
8 of the United States that is (i) a felony, (ii) a
9 misdemeanor, an essential element of which is dishonesty,
10 or (iii) of any crime that is directly related to the
11 practice of the profession;

12 (D) Fraud or any misrepresentation in applying for or
13 procuring a license under this Act, or in connection with
14 applying for renewal of a license under this Act;

15 (E) Professional incompetence or gross negligence;

16 (F) Malpractice;

17 (G) Aiding or assisting another person, firm,
18 partnership, or corporation in violating any provision of
19 this Act or rules;

20 (H) Failing, within 60 days, to provide information in
21 response to a written request made by the Department;

22 (I) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud or harm the public;

25 (J) Habitual or excessive use or abuse of drugs defined
26 in law as controlled substances, alcohol, or any other

1 substance that results in the inability to practice with
2 reasonable judgment, skill, or safety;

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

8 (L) Directly or indirectly giving to or receiving from
9 any person, firm, corporation, partnership, or association
10 any fee, commission, rebate, or other form of compensation
11 for any professional services not actually or personally
12 rendered. Nothing in this subparagraph (L) affects any bona
13 fide independent contractor or employment arrangements
14 among health care professionals, health facilities, health
15 care providers, or other entities, except as otherwise
16 prohibited by law. Any employment arrangements may include
17 provisions for compensation, health insurance, pension, or
18 other employment benefits for the provision of services
19 within the scope of the licensee's practice under this Act.
20 Nothing in this subparagraph (L) shall be construed to
21 require an employment arrangement to receive professional
22 fees for services rendered;

23 (M) A finding by the Department that the licensee after
24 having his or her license disciplined has violated the
25 terms of probation;

26 (N) Abandonment of an athlete;

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

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

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

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

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

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

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

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

1 of abortion;

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

4 (X) Being named as a perpetrator in an indicated report
5 by the Department of Children and Family Services pursuant
6 to the Abused and Neglected Child Reporting Act and upon
7 proof by clear and convincing evidence that the licensee
8 has caused a child to be an abused child or neglected child
9 as defined in the Abused and Neglected Child Reporting Act;

10 (Y) (Blank);

11 (Z) Failure to fulfill continuing education
12 requirements;

13 (AA) Allowing one's license under this Act to be used
14 by an unlicensed person in violation of this Act;

15 (BB) Practicing under a false or, except as provided by
16 law, assumed name;

17 (CC) Promotion of the sale of drugs, devices,
18 appliances, or goods provided in any manner to exploit the
19 client for the financial gain of the licensee;

20 (DD) Gross, willful, or continued overcharging for
21 professional services;

22 (EE) Mental illness or disability that results in the
23 inability to practice under this Act with reasonable
24 judgment, skill, or safety; or

25 (FF) Cheating on or attempting to subvert the licensing
26 examination administered under this Act.

1 All fines imposed under this Section shall be paid within
2 60 days after the effective date of the order imposing the fine
3 or in accordance with the terms set forth in the order imposing
4 the fine.

5 (2) The determination by a circuit court that a licensee is
6 subject to involuntary admission or judicial admission as
7 provided in the Mental Health and Developmental Disabilities
8 Code operates as an automatic suspension. Such suspension will
9 end only upon a finding by a court that the licensee is no
10 longer subject to involuntary admission or judicial admission
11 and issuance of an order so finding and discharging the
12 licensee.

13 (3) The Department may refuse to issue or may suspend
14 without hearing, as provided for in the Code of Civil
15 Procedure, the license of any person who fails to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Illinois Department of Revenue, until such time as the
20 requirements of any such tax Act are satisfied in accordance
21 with subsection (a) of Section 2105-15 of the Department of
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois.

24 (4) In enforcing this Section, the Department, upon a
25 showing of a possible violation, may compel any individual who
26 is licensed under this Act or any individual who has applied

1 for licensure to submit to a mental or physical examination or
2 evaluation, or both, which may include a substance abuse or
3 sexual offender evaluation, at the expense of the Department.
4 The Department shall specifically designate the examining
5 physician licensed to practice medicine in all of its branches
6 or, if applicable, the multidisciplinary team involved in
7 providing the mental or physical examination and evaluation.
8 The multidisciplinary team shall be led by a physician licensed
9 to practice medicine in all of its branches and may consist of
10 one or more or a combination of physicians licensed to practice
11 medicine in all of its branches, licensed chiropractic
12 physicians, licensed clinical psychologists, licensed clinical
13 social workers, licensed clinical professional counselors, and
14 other professional and administrative staff. Any examining
15 physician or member of the multidisciplinary team may require
16 any person ordered to submit to an examination and evaluation
17 pursuant to this Section to submit to any additional
18 supplemental testing deemed necessary to complete any
19 examination or evaluation process, including, but not limited
20 to, blood testing, urinalysis, psychological testing, or
21 neuropsychological testing.

22 The Department may order the examining physician or any
23 member of the multidisciplinary team to provide to the
24 Department any and all records, including business records,
25 that relate to the examination and evaluation, including any
26 supplemental testing performed. The Department may order the

1 examining physician or any member of the multidisciplinary team
2 to present testimony concerning this examination and
3 evaluation of the licensee or applicant, including testimony
4 concerning any supplemental testing or documents relating to
5 the examination and evaluation. No information, report,
6 record, or other documents in any way related to the
7 examination and evaluation shall be excluded by reason of any
8 common law or statutory privilege relating to communication
9 between the licensee or applicant and the examining physician
10 or any member of the multidisciplinary team. No authorization
11 is necessary from the licensee or applicant ordered to undergo
12 an evaluation and examination for the examining physician or
13 any member of the multidisciplinary team to provide
14 information, reports, records, or other documents or to provide
15 any testimony regarding the examination and evaluation. The
16 individual to be examined may have, at his or her own expense,
17 another physician of his or her choice present during all
18 aspects of the examination.

19 Failure of any individual to submit to a mental or physical
20 examination or evaluation, or both, when directed, shall result
21 in an automatic suspension without hearing, until such time as
22 the individual submits to the examination. If the Department
23 finds a licensee unable to practice because of the reasons set
24 forth in this Section, the Department shall require the
25 licensee to submit to care, counseling, or treatment by
26 physicians approved or designated by the Department as a

1 condition for continued, reinstated, or renewed licensure.

2 When the Secretary immediately suspends a license under
3 this Section, a hearing upon such person's license must be
4 convened by the Department within 15 days after the suspension
5 and completed without appreciable delay. The Department shall
6 have the authority to review the licensee's record of treatment
7 and counseling regarding the impairment to the extent permitted
8 by applicable federal statutes and regulations safeguarding
9 the confidentiality of medical records.

10 Individuals licensed under this Act who are affected under
11 this Section shall be afforded an opportunity to demonstrate to
12 the Department that they can resume practice in compliance with
13 acceptable and prevailing standards under the provisions of
14 their license.

15 (5) (Blank). ~~The Department shall deny a license or renewal~~
16 ~~authorized by this Act to a person who has defaulted on an~~
17 ~~educational loan or scholarship provided or guaranteed by the~~
18 ~~Illinois Student Assistance Commission or any governmental~~
19 ~~agency of this State in accordance with paragraph (5) of~~
20 ~~subsection (a) of Section 2105-15 of the Department of~~
21 ~~Professional Regulation Law of the Civil Administrative Code of~~
22 ~~Illinois.~~

23 (6) In cases where the Department of Healthcare and Family
24 Services has previously determined a licensee or a potential
25 licensee is more than 30 days delinquent in the payment of
26 child support and has subsequently certified the delinquency to

1 the Department, the Department may refuse to issue or renew or
2 may revoke or suspend that person's license or may take other
3 disciplinary action against that person based solely upon the
4 certification of delinquency made by the Department of
5 Healthcare and Family Services in accordance with paragraph (5)
6 of subsection (a) of Section 2105-15 of the Department of
7 Professional Regulation Law of the Civil Administrative Code of
8 Illinois.

9 (Source: P.A. 98-214, eff. 8-9-13; 99-469, eff. 8-26-15.)

10 Section 730. The Dietitian Nutritionist Practice Act is
11 amended by changing Section 95 as follows:

12 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 95. Grounds for discipline.

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

21 (a) Material misstatement in furnishing information to
22 the Department.

23 (b) Violations of this Act or of rules adopted under
24 this Act.

1 (c) Conviction by plea of guilty or nolo contendere,
2 finding of guilt, jury verdict, or entry of judgment or by
3 sentencing of any crime, including, but not limited to,
4 convictions, preceding sentences of supervision,
5 conditional discharge, or first offender probation, under
6 the laws of any jurisdiction of the United States (i) that
7 is a felony or (ii) that is a misdemeanor, an essential
8 element of which is dishonesty, or that is directly related
9 to the practice of the profession.

10 (d) Fraud or any misrepresentation in applying for or
11 procuring a license under this Act or in connection with
12 applying for renewal of a license under this Act.

13 (e) Professional incompetence or gross negligence.

14 (f) Malpractice.

15 (g) Aiding or assisting another person in violating any
16 provision of this Act or its rules.

17 (h) Failing to provide information within 60 days in
18 response to a written request made by the Department.

19 (i) Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public.

22 (j) Habitual or excessive use or abuse of drugs defined
23 in law as controlled substances, alcohol, or any other
24 substance that results in the inability to practice with
25 reasonable judgment, skill, or safety.

26 (k) Discipline by another state, the District of

1 Columbia, territory, country, or governmental agency if at
2 least one of the grounds for the discipline is the same or
3 substantially equivalent to those set forth in this Act.

4 (l) Charging for professional services not rendered,
5 including filing false statements for the collection of
6 fees for which services are not rendered. Nothing in this
7 paragraph (1) affects any bona fide independent contractor
8 or employment arrangements among health care
9 professionals, health facilities, health care providers,
10 or other entities, except as otherwise prohibited by law.
11 Any employment arrangements may include provisions for
12 compensation, health insurance, pension, or other
13 employment benefits for the provision of services within
14 the scope of the licensee's practice under this Act.
15 Nothing in this paragraph (1) shall be construed to require
16 an employment arrangement to receive professional fees for
17 services rendered.

18 (m) A finding by the Department that the licensee,
19 after having his or her license placed on probationary
20 status, has violated the terms of probation.

21 (n) Willfully making or filing false records or reports
22 in his or her practice, including, but not limited to,
23 false records filed with State agencies or departments.

24 (o) Allowing one's license under this Act to be used by
25 an unlicensed person in violation of this Act.

26 (p) Practicing under a false or, except as provided by

1 law, an assumed name.

2 (q) Gross and willful overcharging for professional
3 services.

4 (r) (Blank).

5 (s) Willfully failing to report an instance of
6 suspected child abuse or neglect as required by the Abused
7 and Neglected Child Reporting Act.

8 (t) Cheating on or attempting to subvert a licensing
9 examination administered under this Act.

10 (u) Mental illness or disability that results in the
11 inability to practice under this Act with reasonable
12 judgment, skill, or safety.

13 (v) Physical illness, including, but not limited to,
14 deterioration through the aging process or loss of motor
15 skill that results in a licensee's inability to practice
16 under this Act with reasonable judgment, skill, or safety.

17 (w) Advising an individual to discontinue, reduce,
18 increase, or otherwise alter the intake of a drug
19 prescribed by a physician licensed to practice medicine in
20 all its branches or by a prescriber as defined in Section
21 102 of the Illinois Controlled Substances Act.

22 (2) The Department may refuse to issue or may suspend
23 without hearing, as provided for in the Code of Civil
24 Procedure, the license of any person who fails to file a
25 return, or pay the tax, penalty, or interest shown in a filed
26 return, or pay any final assessment of the tax, penalty, or

1 interest as required by any tax Act administered by the
2 Illinois Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied in accordance
4 with subsection (g) of Section 2105-15 of the Civil
5 Administrative Code of Illinois.

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

13 (4) In cases where the Department of Healthcare and Family
14 Services has previously determined a licensee or a potential
15 licensee is more than 30 days delinquent in the payment of
16 child support and has subsequently certified the delinquency to
17 the Department, the Department may refuse to issue or renew or
18 may revoke or suspend that person's license or may take other
19 disciplinary action against that person based solely upon the
20 certification of delinquency made by the Department of
21 Healthcare and Family Services in accordance with item (5) of
22 subsection (a) of Section 2105-15 of the Civil Administrative
23 Code of Illinois.

24 (5) The determination by a circuit court that a licensee is
25 subject to involuntary admission or judicial admission, as
26 provided in the Mental Health and Developmental Disabilities

1 Code, operates as an automatic suspension. The suspension shall
2 end only upon a finding by a court that the patient is no
3 longer subject to involuntary admission or judicial admission
4 and the issuance of an order so finding and discharging the
5 patient.

6 (6) In enforcing this Act, the Department, upon a showing
7 of a possible violation, may compel an individual licensed to
8 practice under this Act, or who has applied for licensure under
9 this Act, to submit to a mental or physical examination, or
10 both, as required by and at the expense of the Department. The
11 Department may order the examining physician to present
12 testimony concerning the mental or physical examination of the
13 licensee or applicant. No information shall be excluded by
14 reason of any common law or statutory privilege relating to
15 communications between the licensee or applicant and the
16 examining physician. The examining physicians shall be
17 specifically designated by the Department. The individual to be
18 examined may have, at his or her own expense, another physician
19 of his or her choice present during all aspects of this
20 examination. The examination shall be performed by a physician
21 licensed to practice medicine in all its branches. Failure of
22 an individual to submit to a mental or physical examination,
23 when directed, shall result in an automatic suspension without
24 hearing.

25 A person holding a license under this Act or who has
26 applied for a license under this Act who, because of a physical

1 or mental illness or disability, including, but not limited to,
2 deterioration through the aging process or loss of motor skill,
3 is unable to practice the profession with reasonable judgment,
4 skill, or safety, may be required by the Department to submit
5 to care, counseling, or treatment by physicians approved or
6 designated by the Department as a condition, term, or
7 restriction for continued, reinstated, or renewed licensure to
8 practice. Submission to care, counseling, or treatment as
9 required by the Department shall not be considered discipline
10 of a license. If the licensee refuses to enter into a care,
11 counseling, or treatment agreement or fails to abide by the
12 terms of the agreement, then the Department may file a
13 complaint to revoke, suspend, or otherwise discipline the
14 license of the individual. The Secretary may order the license
15 suspended immediately, pending a hearing by the Department.
16 Fines shall not be assessed in disciplinary actions involving
17 physical or mental illness or impairment.

18 In instances in which the Secretary immediately suspends a
19 person's license under this Section, a hearing on that person's
20 license must be convened by the Department within 15 days after
21 the suspension and completed without appreciable delay. The
22 Department shall have the authority to review the subject
23 individual's record of treatment and counseling regarding the
24 impairment to the extent permitted by applicable federal
25 statutes and regulations safeguarding the confidentiality of
26 medical records.

1 An individual licensed under this Act and affected under
2 this Section shall be afforded an opportunity to demonstrate to
3 the Department that he or she can resume practice in compliance
4 with acceptable and prevailing standards under the provisions
5 of his or her license.

6 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
7 98-756, eff. 7-16-14.)

8 Section 735. The Environmental Health Practitioner
9 Licensing Act is amended by changing Section 35 as follows:

10 (225 ILCS 37/35)

11 (Section scheduled to be repealed on January 1, 2019)

12 Sec. 35. Grounds for discipline.

13 (a) The Department may refuse to issue or renew, or may
14 revoke, suspend, place on probation, reprimand, or take other
15 disciplinary action with regard to any license issued under
16 this Act as the Department may consider proper, including the
17 imposition of fines not to exceed \$5,000 for each violation,
18 for any one or combination of the following causes:

19 (1) Material misstatement in furnishing information to
20 the Department.

21 (2) Violations of this Act or its rules.

22 (3) Conviction of any felony under the laws of any U.S.
23 jurisdiction, any misdemeanor an essential element of
24 which is dishonesty, or any crime that is directly related

1 to the practice of the profession.

2 (4) Making any misrepresentation for the purpose of
3 obtaining a certificate of registration.

4 (5) Professional incompetence.

5 (6) Aiding or assisting another person in violating any
6 provision of this Act or its rules.

7 (7) Failing to provide information within 60 days in
8 response to a written request made by the Department.

9 (8) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public as defined by rules of the
12 Department.

13 (9) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 that results in an environmental health practitioner's
16 inability to practice with reasonable judgment, skill, or
17 safety.

18 (10) Discipline by another U.S. jurisdiction or
19 foreign nation, if at least one of the grounds for a
20 discipline is the same or substantially equivalent to those
21 set forth in this Act.

22 (11) A finding by the Department that the registrant,
23 after having his or her license placed on probationary
24 status, has violated the terms of probation.

25 (12) Willfully making or filing false records or
26 reports in his or her practice, including, but not limited

1 to, false records filed with State agencies or departments.

2 (13) Physical illness, including, but not limited to,
3 deterioration through the aging process or loss of motor
4 skills that result in the inability to practice the
5 profession with reasonable judgment, skill, or safety.

6 (14) Failure to comply with rules promulgated by the
7 Illinois Department of Public Health or other State
8 agencies related to the practice of environmental health.

9 (15) (Blank). ~~The Department shall deny any~~
10 ~~application for a license or renewal of a license under~~
11 ~~this Act, without hearing, to a person who has defaulted on~~
12 ~~an educational loan guaranteed by the Illinois Student~~
13 ~~Assistance Commission; however, the Department may issue a~~
14 ~~license or renewal of a license if the person in default~~
15 ~~has established a satisfactory repayment record as~~
16 ~~determined by the Illinois Student Assistance Commission.~~

17 (16) Solicitation of professional services by using
18 false or misleading advertising.

19 (17) A finding that the license has been applied for or
20 obtained by fraudulent means.

21 (18) Practicing or attempting to practice under a name
22 other than the full name as shown on the license or any
23 other legally authorized name.

24 (19) Gross overcharging for professional services
25 including filing statements for collection of fees or
26 moneys for which services are not rendered.

1 (b) The Department may refuse to issue or may suspend the
2 license of any person who fails to (i) file a return, (ii) pay
3 the tax, penalty, or interest shown in a filed return; or (iii)
4 pay any final assessment of the tax, penalty, or interest as
5 required by any tax Act administered by the Illinois Department
6 of Revenue until the requirements of the tax Act are satisfied.

7 (c) The determination by a circuit court that a licensee is
8 subject to involuntary admission or judicial admission to a
9 mental health facility as provided in the Mental Health and
10 Developmental Disabilities Code operates as an automatic
11 suspension. The suspension may end only upon a finding by a
12 court that the licensee is no longer subject to involuntary
13 admission or judicial admission, the issuance of an order so
14 finding and discharging the patient, and the recommendation of
15 the Board to the Director that the licensee be allowed to
16 resume practice.

17 (d) In enforcing this Section, the Department, upon a
18 showing of a possible violation, may compel any person licensed
19 to practice under this Act or who has applied for licensure or
20 certification pursuant to this Act to submit to a mental or
21 physical examination, or both, as required by and at the
22 expense of the Department. The examining physicians shall be
23 those specifically designated by the Department. The
24 Department may order the examining physician to present
25 testimony concerning this mental or physical examination of the
26 licensee or applicant. No information shall be excluded by

1 reason of any common law or statutory privilege relating to
2 communications between the licensee or applicant and the
3 examining physician. The person to be examined may have, at his
4 or her own expense, another physician of his or her choice
5 present during all aspects of the examination. Failure of any
6 person to submit to a mental or physical examination, when
7 directed, shall be grounds for suspension of a license until
8 the person submits to the examination if the Department finds,
9 after notice and hearing, that the refusal to submit to the
10 examination was without reasonable cause.

11 If the Department finds an individual unable to practice
12 because of the reasons set forth in this Section, the
13 Department may require that individual to submit to care,
14 counseling, or treatment by physicians approved or designated
15 by the Department, as a condition, term, or restriction for
16 continued, reinstated, or renewed licensure to practice or, in
17 lieu of care, counseling, or treatment, the Department may file
18 a complaint to immediately suspend, revoke, or otherwise
19 discipline the license of the individual.

20 Any person whose license was granted, continued,
21 reinstated, renewed, disciplined, or supervised subject to
22 such terms, conditions, or restrictions and who fails to comply
23 with such terms, conditions, or restrictions shall be referred
24 to the Director for a determination as to whether the person
25 shall have his or her license suspended immediately, pending a
26 hearing by the Department.

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

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

15 (Source: P.A. 92-837, eff. 8-22-02.)

16 Section 740. The Funeral Directors and Embalmers Licensing
17 Code is amended by changing Section 15-75 as follows:

18 (225 ILCS 41/15-75)

19 (Section scheduled to be repealed on January 1, 2023)

20 Sec. 15-75. Violations; grounds for discipline; penalties.

21 (a) Each of the following acts is a Class A misdemeanor for
22 the first offense, and a Class 4 felony for each subsequent
23 offense. These penalties shall also apply to unlicensed owners
24 of funeral homes.

1 (1) Practicing the profession of funeral directing and
2 embalming or funeral directing, or attempting to practice
3 the profession of funeral directing and embalming or
4 funeral directing without a license as a funeral director
5 and embalmer or funeral director.

6 (2) Serving or attempting to serve as an intern under a
7 licensed funeral director and embalmer without a license as
8 a licensed funeral director and embalmer intern.

9 (3) Obtaining or attempting to obtain a license,
10 practice or business, or any other thing of value, by fraud
11 or misrepresentation.

12 (4) Permitting any person in one's employ, under one's
13 control or in or under one's service to serve as a funeral
14 director and embalmer, funeral director, or funeral
15 director and embalmer intern when the person does not have
16 the appropriate license.

17 (5) Failing to display a license as required by this
18 Code.

19 (6) Giving false information or making a false oath or
20 affidavit required by this Code.

21 (b) The Department may refuse to issue or renew, revoke,
22 suspend, place on probation or administrative supervision,
23 reprimand, or take other disciplinary or non-disciplinary
24 action as the Department may deem appropriate, including
25 imposing fines not to exceed \$10,000 for each violation, with
26 regard to any license under the Code for any one or combination

1 of the following:

2 (1) Fraud or any misrepresentation in applying for or
3 procuring a license under this Code or in connection with
4 applying for renewal of a license under this Code.

5 (2) For licenses, conviction by plea of guilty or nolo
6 contendere, finding of guilt, jury verdict, or entry of
7 judgment or by sentencing of any crime, including, but not
8 limited to, convictions, preceding sentences of
9 supervision, conditional discharge, or first offender
10 probation, under the laws of any jurisdiction of the United
11 States: (i) that is a felony or (ii) that is a misdemeanor,
12 an essential element of which is dishonesty, or that is
13 directly related to the practice of the profession and, for
14 initial applicants, convictions set forth in Section 15-72
15 of this Act.

16 (3) Violation of the laws of this State relating to the
17 funeral, burial or disposition of deceased human bodies or
18 of the rules and regulations of the Department, or the
19 Department of Public Health.

20 (4) Directly or indirectly paying or causing to be paid
21 any sum of money or other valuable consideration for the
22 securing of business or for obtaining authority to dispose
23 of any deceased human body.

24 (5) Professional incompetence, gross negligence,
25 malpractice, or untrustworthiness in the practice of
26 funeral directing and embalming or funeral directing.

1 (6) (Blank).

2 (7) Engaging in, promoting, selling, or issuing burial
3 contracts, burial certificates, or burial insurance
4 policies in connection with the profession as a funeral
5 director and embalmer, funeral director, or funeral
6 director and embalmer intern in violation of any laws of
7 the State of Illinois.

8 (8) Refusing, without cause, to surrender the custody
9 of a deceased human body upon the proper request of the
10 person or persons lawfully entitled to the custody of the
11 body.

12 (9) Taking undue advantage of a client or clients as to
13 amount to the perpetration of fraud.

14 (10) Engaging in funeral directing and embalming or
15 funeral directing without a license.

16 (11) Encouraging, requesting, or suggesting by a
17 licensee or some person working on his behalf and with his
18 consent for compensation that a person utilize the services
19 of a certain funeral director and embalmer, funeral
20 director, or funeral establishment unless that information
21 has been expressly requested by the person. This does not
22 prohibit general advertising or pre-need solicitation.

23 (12) Making or causing to be made any false or
24 misleading statements about the laws concerning the
25 disposition of human remains, including, but not limited
26 to, the need to embalm, the need for a casket for cremation

1 or the need for an outer burial container.

2 (13) (Blank).

3 (14) Embalming or attempting to embalm a deceased human
4 body without express prior authorization of the person
5 responsible for making the funeral arrangements for the
6 body. This does not apply to cases where embalming is
7 directed by local authorities who have jurisdiction or when
8 embalming is required by State or local law. A licensee may
9 embalm without express prior authorization if a good faith
10 effort has been made to contact family members and has been
11 unsuccessful and the licensee has no reason to believe the
12 family opposes embalming.

13 (15) Making a false statement on a Certificate of Death
14 where the person making the statement knew or should have
15 known that the statement was false.

16 (16) Soliciting human bodies after death or while death
17 is imminent.

18 (17) Performing any act or practice that is a violation
19 of this Code, the rules for the administration of this
20 Code, or any federal, State or local laws, rules, or
21 regulations governing the practice of funeral directing or
22 embalming.

23 (18) Performing any act or practice that is a violation
24 of Section 2 of the Consumer Fraud and Deceptive Business
25 Practices Act.

26 (19) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud or harm the public.

3 (20) Taking possession of a dead human body without
4 having first obtained express permission from the person
5 holding the right to control the disposition in accordance
6 with Section 5 of the Disposition of Remains Act or a
7 public agency legally authorized to direct, control or
8 permit the removal of deceased human bodies.

9 (21) Advertising in a false or misleading manner or
10 advertising using the name of an unlicensed person in
11 connection with any service being rendered in the practice
12 of funeral directing or funeral directing and embalming.
13 The use of any name of an unlicensed or unregistered person
14 in an advertisement so as to imply that the person will
15 perform services is considered misleading advertising.
16 Nothing in this paragraph shall prevent including the name
17 of any owner, officer or corporate director of a funeral
18 home, who is not a licensee, in any advertisement used by a
19 funeral home with which the individual is affiliated, if
20 the advertisement specifies the individual's affiliation
21 with the funeral home.

22 (22) Charging for professional services not rendered,
23 including filing false statements for the collection of
24 fees for which services are not rendered.

25 (23) Failing to account for or remit any monies,
26 documents, or personal property that belongs to others that

1 comes into a licensee's possession.

2 (24) Treating any person differently to his detriment
3 because of race, color, creed, gender, religion, or
4 national origin.

5 (25) Knowingly making any false statements, oral or
6 otherwise, of a character likely to influence, persuade or
7 induce others in the course of performing professional
8 services or activities.

9 (26) Willfully making or filing false records or
10 reports in the practice of funeral directing and embalming,
11 including, but not limited to, false records filed with
12 State agencies or departments.

13 (27) Failing to acquire continuing education required
14 under this Code.

15 (28) (Blank).

16 (29) Aiding or assisting another person in violating
17 any provision of this Code or rules adopted pursuant to
18 this Code.

19 (30) Failing within 10 days, to provide information in
20 response to a written request made by the Department.

21 (31) Discipline by another state, District of
22 Columbia, territory, foreign nation, or governmental
23 agency, if at least one of the grounds for the discipline
24 is the same or substantially equivalent to those set forth
25 in this Section.

26 (32) (Blank).

1 (33) Mental illness or disability which results in the
2 inability to practice the profession with reasonable
3 judgment, skill, or safety.

4 (34) Gross, willful, or continued overcharging for
5 professional services, including filing false statements
6 for collection of fees for which services are not rendered.

7 (35) Physical illness, including, but not limited to,
8 deterioration through the aging process or loss of motor
9 skill which results in a licensee's inability to practice
10 under this Code with reasonable judgment, skill, or safety.

11 (36) Failing to comply with any of the following
12 required activities:

13 (A) When reasonably possible, a funeral director
14 licensee or funeral director and embalmer licensee or
15 anyone acting on his or her behalf shall obtain the
16 express authorization of the person or persons
17 responsible for making the funeral arrangements for a
18 deceased human body prior to removing a body from the
19 place of death or any place it may be or embalming or
20 attempting to embalm a deceased human body, unless
21 required by State or local law. This requirement is
22 waived whenever removal or embalming is directed by
23 local authorities who have jurisdiction. If the
24 responsibility for the handling of the remains
25 lawfully falls under the jurisdiction of a public
26 agency, then the regulations of the public agency shall

1 prevail.

2 (B) A licensee shall clearly mark the price of any
3 casket offered for sale or the price of any service
4 using the casket on or in the casket if the casket is
5 displayed at the funeral establishment. If the casket
6 is displayed at any other location, regardless of
7 whether the licensee is in control of that location,
8 the casket shall be clearly marked and the registrant
9 shall use books, catalogues, brochures, or other
10 printed display aids to show the price of each casket
11 or service.

12 (C) At the time funeral arrangements are made and
13 prior to rendering the funeral services, a licensee
14 shall furnish a written statement of services to be
15 retained by the person or persons making the funeral
16 arrangements, signed by both parties, that shall
17 contain: (i) the name, address and telephone number of
18 the funeral establishment and the date on which the
19 arrangements were made; (ii) the price of the service
20 selected and the services and merchandise included for
21 that price; (iii) a clear disclosure that the person or
22 persons making the arrangement may decline and receive
23 credit for any service or merchandise not desired and
24 not required by law or the funeral director or the
25 funeral director and embalmer; (iv) the supplemental
26 items of service and merchandise requested and the

1 price of each item; (v) the terms or method of payment
2 agreed upon; and (vi) a statement as to any monetary
3 advances made by the registrant on behalf of the
4 family. The licensee shall maintain a copy of the
5 written statement of services in its permanent
6 records. All written statements of services are
7 subject to inspection by the Department.

8 (D) In all instances where the place of final
9 disposition of a deceased human body or the cremated
10 remains of a deceased human body is a cemetery, the
11 licensed funeral director and embalmer, or licensed
12 funeral director, who has been engaged to provide
13 funeral or embalming services shall remain at the
14 cemetery and personally witness the placement of the
15 human remains in their designated grave or the sealing
16 of the above ground depository, crypt, or urn. The
17 licensed funeral director or licensed funeral director
18 and embalmer may designate a licensed funeral director
19 and embalmer intern or representative of the funeral
20 home to be his or her witness to the placement of the
21 remains. If the cemetery authority, cemetery manager,
22 or any other agent of the cemetery takes any action
23 that prevents compliance with this paragraph (D), then
24 the funeral director and embalmer or funeral director
25 shall provide written notice to the Department within 5
26 business days after failing to comply. If the

1 Department receives this notice, then the Department
2 shall not take any disciplinary action against the
3 funeral director and embalmer or funeral director for a
4 violation of this paragraph (D) unless the Department
5 finds that the cemetery authority, manager, or any
6 other agent of the cemetery did not prevent the funeral
7 director and embalmer or funeral director from
8 complying with this paragraph (D) as claimed in the
9 written notice.

10 (E) A funeral director or funeral director and
11 embalmer shall fully complete the portion of the
12 Certificate of Death under the responsibility of the
13 funeral director or funeral director and embalmer and
14 provide all required information. In the event that any
15 reported information subsequently changes or proves
16 incorrect, a funeral director or funeral director and
17 embalmer shall immediately upon learning the correct
18 information correct the Certificate of Death.

19 (37) A finding by the Department that the licensee,
20 after having his or her license placed on probationary
21 status or subjected to conditions or restrictions,
22 violated the terms of the probation or failed to comply
23 with such terms or conditions.

24 (38) (Blank).

25 (39) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

1 pursuant to the Abused and Neglected Child Reporting Act
2 and, upon proof by clear and convincing evidence, being
3 found to have caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (40) Habitual or excessive use or abuse of drugs
7 defined in law as controlled substances, alcohol, or any
8 other substance which results in the inability to practice
9 with reasonable judgment, skill, or safety.

10 (41) Practicing under a false or, except as provided by
11 law, an assumed name.

12 (42) Cheating on or attempting to subvert the licensing
13 examination administered under this Code.

14 (c) The Department may refuse to issue or renew or may
15 suspend without a hearing, as provided for in the Department of
16 Professional Regulation Law of the Civil Administrative Code of
17 Illinois, the license of any person who fails to file a return,
18 to pay the tax, penalty or interest shown in a filed return, or
19 to pay any final assessment of tax, penalty or interest as
20 required by any tax Act administered by the Illinois Department
21 of Revenue, until the time as the requirements of the tax Act
22 are satisfied in accordance with subsection (g) of Section
23 2105-15 of the Department of Professional Regulation Law of the
24 Civil Administrative Code of Illinois.

25 (d) No action may be taken under this Code against a person
26 licensed under this Code unless the action is commenced within

1 5 years after the occurrence of the alleged violations. A
2 continuing violation shall be deemed to have occurred on the
3 date when the circumstances last existed that give rise to the
4 alleged violation.

5 (e) Nothing in this Section shall be construed or enforced
6 to give a funeral director and embalmer, or his or her
7 designees, authority over the operation of a cemetery or over
8 cemetery employees. Nothing in this Section shall be construed
9 or enforced to impose duties or penalties on cemeteries with
10 respect to the timing of the placement of human remains in
11 their designated grave or the sealing of the above ground
12 depository, crypt, or urn due to patron safety, the allocation
13 of cemetery staffing, liability insurance, a collective
14 bargaining agreement, or other such reasons.

15 (f) All fines imposed under this Section shall be paid 60
16 days after the effective date of the order imposing the fine.

17 (g) (Blank). ~~The Department shall deny a license or renewal~~
18 ~~authorized by this Code to a person who has defaulted on an~~
19 ~~educational loan or scholarship provided or guaranteed by the~~
20 ~~Illinois Student Assistance Commission or any governmental~~
21 ~~agency of this State in accordance with item (5) of subsection~~
22 ~~(a) of Section 2105-15 of the Department of Professional~~
23 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

24 (h) In cases where the Department of Healthcare and Family
25 Services has previously determined a licensee or a potential
26 licensee is more than 30 days delinquent in the payment of

1 child support and has subsequently certified the delinquency to
2 the Department, the Department may refuse to issue or renew or
3 may revoke or suspend that person's license or may take other
4 disciplinary action against that person based solely upon the
5 certification of delinquency made by the Department of
6 Healthcare and Family Services in accordance with item (5) of
7 subsection (a) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code of
9 Illinois.

10 (i) A person not licensed under this Code who is an owner
11 of a funeral establishment or funeral business shall not aid,
12 abet, assist, procure, advise, employ, or contract with any
13 unlicensed person to offer funeral services or aid, abet,
14 assist, or direct any licensed person contrary to or in
15 violation of any rules or provisions of this Code. A person
16 violating this subsection shall be treated as a licensee for
17 the purposes of disciplinary action under this Section and
18 shall be subject to cease and desist orders as provided in this
19 Code, the imposition of a fine up to \$10,000 for each violation
20 and any other penalty provided by law.

21 (j) The determination by a circuit court that a licensee is
22 subject to involuntary admission or judicial admission as
23 provided in the Mental Health and Developmental Disabilities
24 Code, as amended, operates as an automatic suspension. The
25 suspension may end only upon a finding by a court that the
26 licensee is no longer subject to the involuntary admission or

1 judicial admission and issues an order so finding and
2 discharging the licensee, and upon the recommendation of the
3 Board to the Secretary that the licensee be allowed to resume
4 his or her practice.

5 (k) In enforcing this Code, the Department, upon a showing
6 of a possible violation, may compel an individual licensed to
7 practice under this Code, or who has applied for licensure
8 under this Code, to submit to a mental or physical examination,
9 or both, as required by and at the expense of the Department.
10 The Department may order the examining physician to present
11 testimony concerning the mental or physical examination of the
12 licensee or applicant. No information shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communications between the licensee or applicant and the
15 examining physician. The examining physician shall be
16 specifically designated by the Department. The individual to be
17 examined may have, at his or her own expense, another physician
18 of his or her choice present during all aspects of this
19 examination. The examination shall be performed by a physician
20 licensed to practice medicine in all its branches. Failure of
21 an individual to submit to a mental or physical examination,
22 when directed, shall result in an automatic suspension without
23 hearing.

24 A person holding a license under this Code or who has
25 applied for a license under this Code who, because of a
26 physical or mental illness or disability, including, but not

1 limited to, deterioration through the aging process or loss of
2 motor skill, is unable to practice the profession with
3 reasonable judgment, skill, or safety, may be required by the
4 Department to submit to care, counseling, or treatment by
5 physicians approved or designated by the Department as a
6 condition, term, or restriction for continued, reinstated, or
7 renewed licensure to practice. Submission to care, counseling,
8 or treatment as required by the Department shall not be
9 considered discipline of a license. If the licensee refuses to
10 enter into a care, counseling, or treatment agreement or fails
11 to abide by the terms of the agreement, the Department may file
12 a complaint to revoke, suspend, or otherwise discipline the
13 license of the individual. The Secretary may order the license
14 suspended immediately, pending a hearing by the Department.
15 Fines shall not be assessed in disciplinary actions involving
16 physical or mental illness or impairment.

17 In instances in which the Secretary immediately suspends a
18 person's license under this Section, a hearing on that person's
19 license must be convened by the Department within 15 days after
20 the suspension and completed without appreciable delay. The
21 Department shall have the authority to review the subject
22 individual's record of treatment and counseling regarding the
23 impairment to the extent permitted by applicable federal
24 statutes and regulations safeguarding the confidentiality of
25 medical records.

26 An individual licensed under this Code and affected under

1 this Section shall be afforded an opportunity to demonstrate to
2 the Department that he or she can resume practice in compliance
3 with acceptable and prevailing standards under the provisions
4 of his or her license.

5 (Source: P.A. 99-876, eff. 1-1-17; 100-201, eff. 8-18-17.)

6 Section 745. The Marriage and Family Therapy Licensing Act
7 is amended by changing Section 85 as follows:

8 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 85. Refusal, revocation, or suspension.

11 (a) The Department may refuse to issue or renew a license,
12 or may revoke, suspend, reprimand, place on probation, or take
13 any other disciplinary or non-disciplinary action as the
14 Department may deem proper, including the imposition of fines
15 not to exceed \$10,000 for each violation, with regard to any
16 license issued under the provisions of this Act for any one or
17 combination of the following grounds:

18 (1) Material misstatement in furnishing information to
19 the Department.

20 (2) Violation of any provision of this Act or its
21 rules.

22 (3) Conviction of or entry of a plea of guilty or nolo
23 contendere, finding of guilt, jury verdict, or entry of
24 judgment or sentencing, including, but not limited to,

1 convictions, preceding sentences of supervision,
2 conditional discharge, or first offender probation, under
3 the laws of any jurisdiction of the United States that is
4 (i) a felony or (ii) a misdemeanor, an essential element of
5 which is dishonesty or that is directly related to the
6 practice of the profession.

7 (4) Fraud or misrepresentation in applying for or
8 procuring a license under this Act or in connection with
9 applying for renewal or restoration of a license under this
10 Act or its rules.

11 (5) Professional incompetence.

12 (6) Gross negligence in practice under this Act.

13 (7) Aiding or assisting another person in violating any
14 provision of this Act or its rules.

15 (8) Failing, within 60 days, to provide information in
16 response to a written request made by the Department.

17 (9) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud or harm the public as defined by the rules of the
20 Department, or violating the rules of professional conduct
21 adopted by the Department.

22 (10) Habitual or excessive use or abuse of drugs
23 defined in law as controlled substances, of alcohol, or any
24 other substance that results in the inability to practice
25 with reasonable judgment, skill, or safety.

26 (11) Discipline by another jurisdiction if at least one

1 of the grounds for the discipline is the same or
2 substantially equivalent to those set forth in this Act.

3 (12) Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership, or association
5 any fee, commission, rebate, or other form of compensation
6 for any professional services not actually or personally
7 rendered. Nothing in this paragraph (12) affects any bona
8 fide independent contractor or employment arrangements
9 among health care professionals, health facilities, health
10 care providers, or other entities, except as otherwise
11 prohibited by law. Any employment arrangements may include
12 provisions for compensation, health insurance, pension, or
13 other employment benefits for the provision of services
14 within the scope of the licensee's practice under this Act.
15 Nothing in this paragraph (12) shall be construed to
16 require an employment arrangement to receive professional
17 fees for services rendered.

18 (13) A finding by the Department that the licensee,
19 after having his or her license placed on probationary
20 status, has violated the terms of probation or failed to
21 comply with the terms.

22 (14) Abandonment of a patient without cause.

23 (15) Willfully making or filing false records or
24 reports relating to a licensee's practice, including but
25 not limited to false records filed with State agencies or
26 departments.

1 (16) Willfully failing to report an instance of
2 suspected child abuse or neglect as required by the Abused
3 and Neglected Child Reporting Act.

4 (17) Being named as a perpetrator in an indicated
5 report by the Department of Children and Family Services
6 under the Abused and Neglected Child Reporting Act and upon
7 proof by clear and convincing evidence that the licensee
8 has caused a child to be an abused child or neglected child
9 as defined in the Abused and Neglected Child Reporting Act.

10 (18) Physical illness or mental illness or impairment,
11 including, but not limited to, deterioration through the
12 aging process or loss of motor skill that results in the
13 inability to practice the profession with reasonable
14 judgment, skill, or safety.

15 (19) Solicitation of professional services by using
16 false or misleading advertising.

17 (20) A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 (21) Practicing under a false or assumed name, except
21 as provided by law.

22 (22) Gross, willful, and continued overcharging for
23 professional services, including filing false statements
24 for collection of fees or moneys for which services are not
25 rendered.

26 (23) Failure to establish and maintain records of

1 patient care and treatment as required by law.

2 (24) Cheating on or attempting to subvert the licensing
3 examinations administered under this Act.

4 (25) Willfully failing to report an instance of
5 suspected abuse, neglect, financial exploitation, or
6 self-neglect of an eligible adult as defined in and
7 required by the Adult Protective Services Act.

8 (26) Being named as an abuser in a verified report by
9 the Department on Aging and under the Adult Protective
10 Services Act and upon proof by clear and convincing
11 evidence that the licensee abused, neglected, or
12 financially exploited an eligible adult as defined in the
13 Adult Protective Services Act.

14 (b) (Blank). ~~The Department shall deny any application for~~
15 ~~a license or renewal, without hearing, under this Act to any~~
16 ~~person who has defaulted on an educational loan guaranteed by~~
17 ~~the Illinois Student Assistance Commission; however, the~~
18 ~~Department may issue a license or renewal if the person in~~
19 ~~default has established a satisfactory repayment record as~~
20 ~~determined by the Illinois Student Assistance Commission.~~

21 (c) The determination by a circuit court that a licensee is
22 subject to involuntary admission or judicial admission, as
23 provided in the Mental Health and Developmental Disabilities
24 Code, operates as an automatic suspension. The suspension will
25 terminate only upon a finding by a court that the patient is no
26 longer subject to involuntary admission or judicial admission

1 and the issuance of an order so finding and discharging the
2 patient, and upon the recommendation of the Board to the
3 Secretary that the licensee be allowed to resume his or her
4 practice as a licensed marriage and family therapist or an
5 associate licensed marriage and family therapist.

6 (d) The Department shall refuse to issue or may suspend the
7 license of any person who fails to file a return, pay the tax,
8 penalty, or interest shown in a filed return or pay any final
9 assessment of tax, penalty, or interest, as required by any tax
10 Act administered by the Illinois Department of Revenue, until
11 the time the requirements of the tax Act are satisfied.

12 (e) In enforcing this Section, the Department or Board upon
13 a showing of a possible violation may compel an individual
14 licensed to practice under this Act, or who has applied for
15 licensure under this Act, to submit to a mental or physical
16 examination, or both, which may include a substance abuse or
17 sexual offender evaluation, as required by and at the expense
18 of the Department.

19 The Department shall specifically designate the examining
20 physician licensed to practice medicine in all of its branches
21 or, if applicable, the multidisciplinary team involved in
22 providing the mental or physical examination or both. The
23 multidisciplinary team shall be led by a physician licensed to
24 practice medicine in all of its branches and may consist of one
25 or more or a combination of physicians licensed to practice
26 medicine in all of its branches, licensed clinical

1 psychologists, licensed clinical social workers, licensed
2 clinical professional counselors, licensed marriage and family
3 therapists, and other professional and administrative staff.
4 Any examining physician or member of the multidisciplinary team
5 may require any person ordered to submit to an examination and
6 evaluation pursuant to this Section to submit to any additional
7 supplemental testing deemed necessary to complete any
8 examination or evaluation process, including, but not limited
9 to, blood testing, urinalysis, psychological testing, or
10 neuropsychological testing.

11 The Department may order the examining physician or any
12 member of the multidisciplinary team to provide to the
13 Department any and all records, including business records,
14 that relate to the examination and evaluation, including any
15 supplemental testing performed.

16 The Department or Board may order the examining physician
17 or any member of the multidisciplinary team to present
18 testimony concerning the mental or physical examination of the
19 licensee or applicant. No information, report, record, or other
20 documents in any way related to the examination shall be
21 excluded by reason of any common law or statutory privilege
22 relating to communications between the licensee or applicant
23 and the examining physician or any member of the
24 multidisciplinary team. No authorization is necessary from the
25 licensee or applicant ordered to undergo an examination for the
26 examining physician or any member of the multidisciplinary team

1 to provide information, reports, records, or other documents or
2 to provide any testimony regarding the examination and
3 evaluation.

4 The individual to be examined may have, at his or her own
5 expense, another physician of his or her choice present during
6 all aspects of this examination. However, that physician shall
7 be present only to observe and may not interfere in any way
8 with the examination.

9 Failure of an individual to submit to a mental or physical
10 examination, when ordered, shall result in an automatic
11 suspension of his or her license until the individual submits
12 to the examination.

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

1 Secretary for a determination as to whether the individual
2 shall have his or her license suspended immediately, pending a
3 hearing by the Department.

4 In instances in which the Secretary immediately suspends a
5 person's license under this Section, a hearing on that person's
6 license must be convened by the Department within 30 days after
7 the suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 subject individual's record of treatment and counseling
10 regarding the impairment to the extent permitted by applicable
11 federal statutes and regulations safeguarding the
12 confidentiality of medical records.

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

18 (f) A fine shall be paid within 60 days after the effective
19 date of the order imposing the fine or in accordance with the
20 terms set forth in the order imposing the fine.

21 (Source: P.A. 100-372, eff. 8-25-17.)

22 Section 750. The Massage Licensing Act is amended by
23 changing Section 45 as follows:

24 (225 ILCS 57/45)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 45. Grounds for discipline.

3 (a) The Department may refuse to issue or renew, or may
4 revoke, suspend, place on probation, reprimand, or take other
5 disciplinary or non-disciplinary action, as the Department
6 considers appropriate, including the imposition of fines not to
7 exceed \$10,000 for each violation, with regard to any license
8 or licensee for any one or more of the following:

9 (1) violations of this Act or of the rules adopted
10 under this Act;

11 (2) conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing of any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States: (i) that
17 is a felony; or (ii) that is a misdemeanor, an essential
18 element of which is dishonesty, or that is directly related
19 to the practice of the profession;

20 (3) professional incompetence;

21 (4) advertising in a false, deceptive, or misleading
22 manner;

23 (5) aiding, abetting, assisting, procuring, advising,
24 employing, or contracting with any unlicensed person to
25 practice massage contrary to any rules or provisions of
26 this Act;

1 (6) engaging in immoral conduct in the commission of
2 any act, such as sexual abuse, sexual misconduct, or sexual
3 exploitation, related to the licensee's practice;

4 (7) engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public;

7 (8) practicing or offering to practice beyond the scope
8 permitted by law or accepting and performing professional
9 responsibilities which the licensee knows or has reason to
10 know that he or she is not competent to perform;

11 (9) knowingly delegating professional responsibilities
12 to a person unqualified by training, experience, or
13 licensure to perform;

14 (10) failing to provide information in response to a
15 written request made by the Department within 60 days;

16 (11) having a habitual or excessive use of or addiction
17 to alcohol, narcotics, stimulants, or any other chemical
18 agent or drug which results in the inability to practice
19 with reasonable judgment, skill, or safety;

20 (12) having a pattern of practice or other behavior
21 that demonstrates incapacity or incompetence to practice
22 under this Act;

23 (13) discipline by another state, District of
24 Columbia, territory, or foreign nation, if at least one of
25 the grounds for the discipline is the same or substantially
26 equivalent to those set forth in this Section;

1 (14) a finding by the Department that the licensee,
2 after having his or her license placed on probationary
3 status, has violated the terms of probation;

4 (15) willfully making or filing false records or
5 reports in his or her practice, including, but not limited
6 to, false records filed with State agencies or departments;

7 (16) making a material misstatement in furnishing
8 information to the Department or otherwise making
9 misleading, deceptive, untrue, or fraudulent
10 representations in violation of this Act or otherwise in
11 the practice of the profession;

12 (17) fraud or misrepresentation in applying for or
13 procuring a license under this Act or in connection with
14 applying for renewal of a license under this Act;

15 (18) inability to practice the profession with
16 reasonable judgment, skill, or safety as a result of
17 physical illness, including, but not limited to,
18 deterioration through the aging process, loss of motor
19 skill, or a mental illness or disability;

20 (19) charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered;

23 (20) practicing under a false or, except as provided by
24 law, an assumed name; or

25 (21) cheating on or attempting to subvert the licensing
26 examination administered under this Act.

1 All fines shall be paid within 60 days of the effective
2 date of the order imposing the fine.

3 (b) A person not licensed under this Act and engaged in the
4 business of offering massage therapy services through others,
5 shall not aid, abet, assist, procure, advise, employ, or
6 contract with any unlicensed person to practice massage therapy
7 contrary to any rules or provisions of this Act. A person
8 violating this subsection (b) shall be treated as a licensee
9 for the purposes of disciplinary action under this Section and
10 shall be subject to cease and desist orders as provided in
11 Section 90 of this Act.

12 (c) The Department shall revoke any license issued under
13 this Act of any person who is convicted of prostitution, rape,
14 sexual misconduct, or any crime that subjects the licensee to
15 compliance with the requirements of the Sex Offender
16 Registration Act and any such conviction shall operate as a
17 permanent bar in the State of Illinois to practice as a massage
18 therapist.

19 (d) The Department may refuse to issue or may suspend the
20 license of any person who fails to file a tax return, to pay
21 the tax, penalty, or interest shown in a filed tax return, or
22 to pay any final assessment of tax, penalty, or interest, as
23 required by any tax Act administered by the Illinois Department
24 of Revenue, until such time as the requirements of the tax Act
25 are satisfied in accordance with subsection (g) of Section
26 2105-15 of the Civil Administrative Code of Illinois.

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

8 (f) In cases where the Department of Healthcare and Family
9 Services has previously determined that a licensee or a
10 potential licensee is more than 30 days delinquent in the
11 payment of child support and has subsequently certified the
12 delinquency to the Department, the Department may refuse to
13 issue or renew or may revoke or suspend that person's license
14 or may take other disciplinary action against that person based
15 solely upon the certification of delinquency made by the
16 Department of Healthcare and Family Services in accordance with
17 item (5) of subsection (a) of Section 2105-15 of the Civil
18 Administrative Code of Illinois.

19 (g) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission, as
21 provided in the Mental Health and Developmental Disabilities
22 Code, operates as an automatic suspension. The suspension will
23 end only upon a finding by a court that the patient is no
24 longer subject to involuntary admission or judicial admission
25 and the issuance of a court order so finding and discharging
26 the patient.

1 (h) In enforcing this Act, the Department or Board, upon a
2 showing of a possible violation, may compel an individual
3 licensed to practice under this Act, or who has applied for
4 licensure under this Act, to submit to a mental or physical
5 examination, or both, as required by and at the expense of the
6 Department. The Department or Board may order the examining
7 physician to present testimony concerning the mental or
8 physical examination of the licensee or applicant. No
9 information shall be excluded by reason of any common law or
10 statutory privilege relating to communications between the
11 licensee or applicant and the examining physician. The
12 examining physicians shall be specifically designated by the
13 Board or Department. The individual to be examined may have, at
14 his or her own expense, another physician of his or her choice
15 present during all aspects of this examination. The examination
16 shall be performed by a physician licensed to practice medicine
17 in all its branches. Failure of an individual to submit to a
18 mental or physical examination, when directed, shall result in
19 an automatic suspension without hearing.

20 A person holding a license under this Act or who has
21 applied for a license under this Act who, because of a physical
22 or mental illness or disability, including, but not limited to,
23 deterioration through the aging process or loss of motor skill,
24 is unable to practice the profession with reasonable judgment,
25 skill, or safety, may be required by the Department to submit
26 to care, counseling, or treatment by physicians approved or

1 designated by the Department as a condition, term, or
2 restriction for continued, reinstated, or renewed licensure to
3 practice. Submission to care, counseling, or treatment as
4 required by the Department shall not be considered discipline
5 of a license. If the licensee refuses to enter into a care,
6 counseling, or treatment agreement or fails to abide by the
7 terms of the agreement, the Department may file a complaint to
8 revoke, suspend, or otherwise discipline the license of the
9 individual. The Secretary may order the license suspended
10 immediately, pending a hearing by the Department. Fines shall
11 not be assessed in disciplinary actions involving physical or
12 mental illness or impairment.

13 In instances in which the Secretary immediately suspends a
14 person's license under this Section, a hearing on that person's
15 license must be convened by the Department within 15 days after
16 the suspension and completed without appreciable delay. The
17 Department and Board shall have the authority to review the
18 subject individual's record of treatment and counseling
19 regarding the impairment to the extent permitted by applicable
20 federal statutes and regulations safeguarding the
21 confidentiality of medical records.

22 An individual licensed under this Act and affected under
23 this Section shall be afforded an opportunity to demonstrate to
24 the Department or Board that he or she can resume practice in
25 compliance with acceptable and prevailing standards under the
26 provisions of his or her license.

1 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

2 Section 755. The Naprapathic Practice Act is amended by
3 changing Section 110 as follows:

4 (225 ILCS 63/110)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 110. Grounds for disciplinary action; refusal,
7 revocation, suspension.

8 (a) The Department may refuse to issue or to renew, or may
9 revoke, suspend, place on probation, reprimand or take other
10 disciplinary or non-disciplinary action as the Department may
11 deem appropriate, including imposing fines not to exceed
12 \$10,000 for each violation, with regard to any licensee or
13 license for any one or combination of the following causes:

14 (1) Violations of this Act or of rules adopted under
15 this Act.

16 (2) Material misstatement in furnishing information to
17 the Department.

18 (3) Conviction by plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment, or by
20 sentencing of any crime, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States: (i) that
24 is a felony or (ii) that is a misdemeanor, an essential

1 element of which is dishonesty, or that is directly related
2 to the practice of the profession.

3 (4) Fraud or any misrepresentation in applying for or
4 procuring a license under this Act or in connection with
5 applying for renewal of a license under this Act.

6 (5) Professional incompetence or gross negligence.

7 (6) Malpractice.

8 (7) Aiding or assisting another person in violating any
9 provision of this Act or its rules.

10 (8) Failing to provide information within 60 days in
11 response to a written request made by the Department.

12 (9) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public.

15 (10) Habitual or excessive use or abuse of drugs
16 defined in law as controlled substances, alcohol, or any
17 other substance which results in the inability to practice
18 with reasonable judgment, skill, or safety.

19 (11) Discipline by another U.S. jurisdiction or
20 foreign nation if at least one of the grounds for the
21 discipline is the same or substantially equivalent to those
22 set forth in this Act.

23 (12) Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership, or association
25 any fee, commission, rebate, or other form of compensation
26 for any professional services not actually or personally

1 rendered. This shall not be deemed to include rent or other
2 remunerations paid to an individual, partnership, or
3 corporation by a naprapath for the lease, rental, or use of
4 space, owned or controlled by the individual, partnership,
5 corporation, or association. Nothing in this paragraph
6 (12) affects any bona fide independent contractor or
7 employment arrangements among health care professionals,
8 health facilities, health care providers, or other
9 entities, except as otherwise prohibited by law. Any
10 employment arrangements may include provisions for
11 compensation, health insurance, pension, or other
12 employment benefits for the provision of services within
13 the scope of the licensee's practice under this Act.
14 Nothing in this paragraph (12) shall be construed to
15 require an employment arrangement to receive professional
16 fees for services rendered.

17 (13) Using the title "Doctor" or its abbreviation
18 without further clarifying that title or abbreviation with
19 the word "naprapath" or "naprapathy" or the designation
20 "D.N."

21 (14) A finding by the Department that the licensee,
22 after having his or her license placed on probationary
23 status, has violated the terms of probation.

24 (15) Abandonment of a patient without cause.

25 (16) Willfully making or filing false records or
26 reports relating to a licensee's practice, including but

1 not limited to, false records filed with State agencies or
2 departments.

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

6 (18) Physical or mental illness or disability,
7 including, but not limited to, deterioration through the
8 aging process or loss of motor skill that results in the
9 inability to practice the profession with reasonable
10 judgment, skill, or safety.

11 (19) Solicitation of professional services by means
12 other than permitted advertising.

13 (20) Failure to provide a patient with a copy of his or
14 her record upon the written request of the patient.

15 (21) Cheating on or attempting to subvert the licensing
16 examination administered under this Act.

17 (22) Allowing one's license under this Act to be used
18 by an unlicensed person in violation of this Act.

19 (23) (Blank).

20 (24) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and upon
23 proof by clear and convincing evidence that the licensee
24 has caused a child to be an abused child or a neglected
25 child as defined in the Abused and Neglected Child
26 Reporting Act.

1 (25) Practicing under a false or, except as provided by
2 law, an assumed name.

3 (26) Immoral conduct in the commission of any act, such
4 as sexual abuse, sexual misconduct, or sexual
5 exploitation, related to the licensee's practice.

6 (27) Maintaining a professional relationship with any
7 person, firm, or corporation when the naprapath knows, or
8 should know, that the person, firm, or corporation is
9 violating this Act.

10 (28) Promotion of the sale of food supplements,
11 devices, appliances, or goods provided for a client or
12 patient in such manner as to exploit the patient or client
13 for financial gain of the licensee.

14 (29) Having treated ailments of human beings other than
15 by the practice of naprapathy as defined in this Act, or
16 having treated ailments of human beings as a licensed
17 naprapath independent of a documented referral or
18 documented current and relevant diagnosis from a
19 physician, dentist, or podiatric physician, or having
20 failed to notify the physician, dentist, or podiatric
21 physician who established a documented current and
22 relevant diagnosis that the patient is receiving
23 naprapathic treatment pursuant to that diagnosis.

24 (30) Use by a registered naprapath of the word
25 "infirmary", "hospital", "school", "university", in
26 English or any other language, in connection with the place

1 where naprapathy may be practiced or demonstrated.

2 (31) Continuance of a naprapath in the employ of any
3 person, firm, or corporation, or as an assistant to any
4 naprapath or naprapaths, directly or indirectly, after his
5 or her employer or superior has been found guilty of
6 violating or has been enjoined from violating the laws of
7 the State of Illinois relating to the practice of
8 naprapathy when the employer or superior persists in that
9 violation.

10 (32) The performance of naprapathic service in
11 conjunction with a scheme or plan with another person,
12 firm, or corporation known to be advertising in a manner
13 contrary to this Act or otherwise violating the laws of the
14 State of Illinois concerning the practice of naprapathy.

15 (33) Failure to provide satisfactory proof of having
16 participated in approved continuing education programs as
17 determined by and approved by the Secretary. Exceptions for
18 extreme hardships are to be defined by the rules of the
19 Department.

20 (34) (Blank).

21 (35) Gross or willful overcharging for professional
22 services.

23 (36) (Blank).

24 All fines imposed under this Section shall be paid within
25 60 days after the effective date of the order imposing the
26 fine.

1 (b) The Department may refuse to issue or may suspend
2 without hearing, as provided for in the Department of
3 Professional Regulation Law of the Civil Administrative Code,
4 the license of any person who fails to file a return, or pay
5 the tax, penalty, or interest shown in a filed return, or pay
6 any final assessment of the tax, penalty, or interest as
7 required by any tax Act administered by the Illinois Department
8 of Revenue, until such time as the requirements of any such tax
9 Act are satisfied in accordance with subsection (g) of Section
10 2105-15 of the Department of Professional Regulation Law of the
11 Civil Administrative Code of Illinois.

12 (c) (Blank). ~~The Department shall deny a license or renewal~~
13 ~~authorized by this Act to a person who has defaulted on an~~
14 ~~educational loan or scholarship provided or guaranteed by the~~
15 ~~Illinois Student Assistance Commission or any governmental~~
16 ~~agency of this State in accordance with item (5) of subsection~~
17 ~~(a) of Section 2105-15 of the Department of Professional~~
18 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

19 (d) In cases where the Department of Healthcare and Family
20 Services has previously determined a licensee or a potential
21 licensee is more than 30 days delinquent in the payment of
22 child support and has subsequently certified the delinquency to
23 the Department, the Department may refuse to issue or renew or
24 may revoke or suspend that person's license or may take other
25 disciplinary action against that person based solely upon the
26 certification of delinquency made by the Department of

1 Healthcare and Family Services in accordance with item (5) of
2 subsection (a) of Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code of
4 Illinois.

5 (e) The determination by a circuit court that a licensee is
6 subject to involuntary admission or judicial admission, as
7 provided in the Mental Health and Developmental Disabilities
8 Code, operates as an automatic suspension. The suspension shall
9 end only upon a finding by a court that the patient is no
10 longer subject to involuntary admission or judicial admission
11 and the issuance of an order so finding and discharging the
12 patient.

13 (f) In enforcing this Act, the Department, upon a showing
14 of a possible violation, may compel an individual licensed to
15 practice under this Act, or who has applied for licensure under
16 this Act, to submit to a mental or physical examination and
17 evaluation, or both, which may include a substance abuse or
18 sexual offender evaluation, as required by and at the expense
19 of the Department. The Department shall specifically designate
20 the examining physician licensed to practice medicine in all of
21 its branches or, if applicable, the multidisciplinary team
22 involved in providing the mental or physical examination and
23 evaluation, or both. The multidisciplinary team shall be led by
24 a physician licensed to practice medicine in all of its
25 branches and may consist of one or more or a combination of
26 physicians licensed to practice medicine in all of its

1 branches, licensed chiropractic physicians, licensed clinical
2 psychologists, licensed clinical social workers, licensed
3 clinical professional counselors, and other professional and
4 administrative staff. Any examining physician or member of the
5 multidisciplinary team may require any person ordered to submit
6 to an examination and evaluation pursuant to this Section to
7 submit to any additional supplemental testing deemed necessary
8 to complete any examination or evaluation process, including,
9 but not limited to, blood testing, urinalysis, psychological
10 testing, or neuropsychological testing.

11 The Department may order the examining physician or any
12 member of the multidisciplinary team to provide to the
13 Department any and all records including business records that
14 relate to the examination and evaluation, including any
15 supplemental testing performed. The Department may order the
16 examining physician or any member of the multidisciplinary team
17 to present testimony concerning the examination and evaluation
18 of the licensee or applicant, including testimony concerning
19 any supplemental testing or documents in any way related to the
20 examination and evaluation. No information, report, record, or
21 other documents in any way related to the examination and
22 evaluation shall be excluded by reason of any common law or
23 statutory privilege relating to communications between the
24 licensee or applicant and the examining physician or any member
25 of the multidisciplinary team. No authorization is necessary
26 from the licensee or applicant ordered to undergo an evaluation

1 and examination for the examining physician or any member of
2 the multidisciplinary team to provide information, reports,
3 records, or other documents or to provide any testimony
4 regarding the examination and evaluation. The individual to be
5 examined may have, at his or her own expense, another physician
6 of his or her choice present during all aspects of this
7 examination. Failure of an individual to submit to a mental or
8 physical examination and evaluation, or both, when directed,
9 shall result in an automatic suspension without hearing, until
10 such time as the individual submits to the examination.

11 A person holding a license under this Act or who has
12 applied for a license under this Act who, because of a physical
13 or mental illness or disability, including, but not limited to,
14 deterioration through the aging process or loss of motor skill,
15 is unable to practice the profession with reasonable judgment,
16 skill, or safety, may be required by the Department to submit
17 to care, counseling, or treatment by physicians approved or
18 designated by the Department as a condition, term, or
19 restriction for continued, reinstated, or renewed licensure to
20 practice. Submission to care, counseling, or treatment as
21 required by the Department shall not be considered discipline
22 of a license. If the licensee refuses to enter into a care,
23 counseling, or treatment agreement or fails to abide by the
24 terms of the agreement, the Department may file a complaint to
25 revoke, suspend, or otherwise discipline the license of the
26 individual. The Secretary may order the license suspended

1 immediately, pending a hearing by the Department. Fines shall
2 not be assessed in disciplinary actions involving physical or
3 mental illness or impairment.

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

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

18 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;
19 98-463, eff. 8-16-13.)

20 Section 760. The Illinois Occupational Therapy Practice
21 Act is amended by changing Section 19 as follows:

22 (225 ILCS 75/19) (from Ch. 111, par. 3719)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 19. Grounds for discipline.

1 (a) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand or take other
3 disciplinary or non-disciplinary action as the Department may
4 deem proper, including imposing fines not to exceed \$10,000 for
5 each violation and the assessment of costs as provided under
6 Section 19.3 of this Act, with regard to any license for any
7 one or combination of the following:

8 (1) Material misstatement in furnishing information to
9 the Department;

10 (2) Violations of this Act, or of the rules promulgated
11 thereunder;

12 (3) Conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or
14 sentencing of any crime, including, but not limited to,
15 convictions, preceding sentences of supervision,
16 conditional discharge, or first offender probation, under
17 the laws of any jurisdiction of the United States that is
18 (i) a felony or (ii) a misdemeanor, an essential element of
19 which is dishonesty, or that is directly related to the
20 practice of the profession;

21 (4) Fraud or any misrepresentation in applying for or
22 procuring a license under this Act, or in connection with
23 applying for renewal of a license under this Act;

24 (5) Professional incompetence;

25 (6) Aiding or assisting another person, firm,
26 partnership or corporation in violating any provision of

1 this Act or rules;

2 (7) Failing, within 60 days, to provide information in
3 response to a written request made by the Department;

4 (8) Engaging in dishonorable, unethical or
5 unprofessional conduct of a character likely to deceive,
6 defraud or harm the public;

7 (9) Habitual or excessive use or abuse of drugs defined
8 in law as controlled substances, alcohol, or any other
9 substance that results in the inability to practice with
10 reasonable judgment, skill, or safety;

11 (10) Discipline by another state, unit of government,
12 government agency, the District of Columbia, a territory,
13 or foreign nation, if at least one of the grounds for the
14 discipline is the same or substantially equivalent to those
15 set forth herein;

16 (11) Directly or indirectly giving to or receiving from
17 any person, firm, corporation, partnership, or association
18 any fee, commission, rebate or other form of compensation
19 for professional services not actually or personally
20 rendered. Nothing in this paragraph (11) affects any bona
21 fide independent contractor or employment arrangements
22 among health care professionals, health facilities, health
23 care providers, or other entities, except as otherwise
24 prohibited by law. Any employment arrangements may include
25 provisions for compensation, health insurance, pension, or
26 other employment benefits for the provision of services

1 within the scope of the licensee's practice under this Act.
2 Nothing in this paragraph (11) shall be construed to
3 require an employment arrangement to receive professional
4 fees for services rendered;

5 (12) A finding by the Department that the license
6 holder, after having his license disciplined, has violated
7 the terms of the discipline;

8 (13) Wilfully making or filing false records or reports
9 in the practice of occupational therapy, including but not
10 limited to false records filed with the State agencies or
11 departments;

12 (14) Physical illness, including but not limited to,
13 deterioration through the aging process, or loss of motor
14 skill which results in the inability to practice under this
15 Act with reasonable judgment, skill, or safety;

16 (15) Solicitation of professional services other than
17 by permitted advertising;

18 (16) Allowing one's license under this Act to be used
19 by an unlicensed person in violation of this Act;

20 (17) Practicing under a false or, except as provided by
21 law, assumed name;

22 (18) Professional incompetence or gross negligence;

23 (19) Malpractice;

24 (20) Promotion of the sale of drugs, devices,
25 appliances, or goods provided for a patient in any manner
26 to exploit the client for financial gain of the licensee;

1 (21) Gross, willful, or continued overcharging for
2 professional services;

3 (22) Mental illness or disability that results in the
4 inability to practice under this Act with reasonable
5 judgment, skill, or safety;

6 (23) Violating the Health Care Worker Self-Referral
7 Act;

8 (24) Having treated patients other than by the practice
9 of occupational therapy as defined in this Act, or having
10 treated patients as a licensed occupational therapist
11 independent of a referral from a physician, advanced
12 practice registered nurse or physician assistant in
13 accordance with Section 3.1, dentist, podiatric physician,
14 or optometrist, or having failed to notify the physician,
15 advanced practice registered nurse, physician assistant,
16 dentist, podiatric physician, or optometrist who
17 established a diagnosis that the patient is receiving
18 occupational therapy pursuant to that diagnosis;

19 (25) Cheating on or attempting to subvert the licensing
20 examination administered under this Act; and

21 (26) Charging for professional services not rendered,
22 including filing false statements for the collection of
23 fees for which services are not rendered.

24 All fines imposed under this Section shall be paid within
25 60 days after the effective date of the order imposing the fine
26 or in accordance with the terms set forth in the order imposing

1 the fine.

2 (b) The determination by a circuit court that a license
3 holder is subject to involuntary admission or judicial
4 admission as provided in the Mental Health and Developmental
5 Disabilities Code, as now or hereafter amended, operates as an
6 automatic suspension. Such suspension will end only upon a
7 finding by a court that the patient is no longer subject to
8 involuntary admission or judicial admission and an order by the
9 court so finding and discharging the patient. In any case where
10 a license is suspended under this provision, the licensee shall
11 file a petition for restoration and shall include evidence
12 acceptable to the Department that the licensee can resume
13 practice in compliance with acceptable and prevailing
14 standards of their profession.

15 (c) The Department may refuse to issue or may suspend
16 without hearing, as provided for in the Code of Civil
17 Procedure, the license of any person who fails to file a
18 return, to pay the tax, penalty, or interest shown in a filed
19 return, or to pay any final assessment of tax, penalty, or
20 interest as required by any tax Act administered by the
21 Illinois Department of Revenue, until such time as the
22 requirements of any such tax Act are satisfied in accordance
23 with subsection (a) of Section 2105-15 of the Department of
24 Professional Regulation Law of the Civil Administrative Code of
25 Illinois.

26 (d) In enforcing this Section, the Department, upon a

1 showing of a possible violation, may compel any individual who
2 is licensed under this Act or any individual who has applied
3 for licensure to submit to a mental or physical examination or
4 evaluation, or both, which may include a substance abuse or
5 sexual offender evaluation, at the expense of the Department.
6 The Department shall specifically designate the examining
7 physician licensed to practice medicine in all of its branches
8 or, if applicable, the multidisciplinary team involved in
9 providing the mental or physical examination and evaluation.
10 The multidisciplinary team shall be led by a physician licensed
11 to practice medicine in all of its branches and may consist of
12 one or more or a combination of physicians licensed to practice
13 medicine in all of its branches, licensed chiropractic
14 physicians, licensed clinical psychologists, licensed clinical
15 social workers, licensed clinical professional counselors, and
16 other professional and administrative staff. Any examining
17 physician or member of the multidisciplinary team may require
18 any person ordered to submit to an examination and evaluation
19 pursuant to this Section to submit to any additional
20 supplemental testing deemed necessary to complete any
21 examination or evaluation process, including, but not limited
22 to, blood testing, urinalysis, psychological testing, or
23 neuropsychological testing.

24 The Department may order the examining physician or any
25 member of the multidisciplinary team to provide to the
26 Department any and all records, including business records,

1 that relate to the examination and evaluation, including any
2 supplemental testing performed. The Department may order the
3 examining physician or any member of the multidisciplinary team
4 to present testimony concerning this examination and
5 evaluation of the licensee or applicant, including testimony
6 concerning any supplemental testing or documents relating to
7 the examination and evaluation. No information, report,
8 record, or other documents in any way related to the
9 examination and evaluation shall be excluded by reason of any
10 common law or statutory privilege relating to communication
11 between the licensee or applicant and the examining physician
12 or any member of the multidisciplinary team. No authorization
13 is necessary from the licensee or applicant ordered to undergo
14 an evaluation and examination for the examining physician or
15 any member of the multidisciplinary team to provide
16 information, reports, records, or other documents or to provide
17 any testimony regarding the examination and evaluation. The
18 individual to be examined may have, at his or her own expense,
19 another physician of his or her choice present during all
20 aspects of the examination.

21 Failure of any individual to submit to mental or physical
22 examination or evaluation, or both, when directed, shall result
23 in an automatic suspension without hearing, until such time as
24 the individual submits to the examination. If the Department
25 finds a licensee unable to practice because of the reasons set
26 forth in this Section, the Department shall require the

1 licensee to submit to care, counseling, or treatment by
2 physicians approved or designated by the Department as a
3 condition for continued, reinstated, or renewed licensure.

4 When the Secretary immediately suspends a license under
5 this Section, a hearing upon such person's license must be
6 convened by the Department within 15 days after the suspension
7 and completed without appreciable delay. The Department shall
8 have the authority to review the licensee's record of treatment
9 and counseling regarding the impairment to the extent permitted
10 by applicable federal statutes and regulations safeguarding
11 the confidentiality of medical records.

12 Individuals licensed under this Act that are affected under
13 this Section, shall be afforded an opportunity to demonstrate
14 to the Department that they can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of their license.

17 (e) (Blank). ~~The Department shall deny a license or renewal~~
18 ~~authorized by this Act to a person who has defaulted on an~~
19 ~~educational loan or scholarship provided or guaranteed by the~~
20 ~~Illinois Student Assistance Commission or any governmental~~
21 ~~agency of this State in accordance with paragraph (5) of~~
22 ~~subsection (a) of Section 2105-15 of the Department of~~
23 ~~Professional Regulation Law of the Civil Administrative Code of~~
24 ~~Illinois.~~

25 (f) In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

1 licensee is more than 30 days delinquent in the payment of
2 child support and has subsequently certified the delinquency to
3 the Department, the Department may refuse to issue or renew or
4 may revoke or suspend that person's license or may take other
5 disciplinary action against that person based solely upon the
6 certification of delinquency made by the Department of
7 Healthcare and Family Services in accordance with paragraph (5)
8 of subsection (a) of Section 2105-15 of the Department of
9 Professional Regulation Law of the Civil Administrative Code of
10 Illinois.

11 (Source: P.A. 100-513, eff. 1-1-18.)

12 Section 765. The Orthotics, Prosthetics, and Pedorthics
13 Practice Act is amended by changing Section 90 as follows:

14 (225 ILCS 84/90)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 90. Grounds for discipline.

17 (a) The Department may refuse to issue or renew a license,
18 or may revoke or suspend a license, or may suspend, place on
19 probation, or reprimand a licensee or take other disciplinary
20 or non-disciplinary action as the Department may deem proper,
21 including, but not limited to, the imposition of fines not to
22 exceed \$10,000 for each violation for one or any combination of
23 the following:

24 (1) Making a material misstatement in furnishing

1 information to the Department or the Board.

2 (2) Violations of or negligent or intentional
3 disregard of this Act or its rules.

4 (3) Conviction of, or entry of a plea of guilty or nolo
5 contendere to any crime that is a felony under the laws of
6 the United States or any state or territory thereof or that
7 is a misdemeanor of which an essential element is
8 dishonesty, or any crime that is directly related to the
9 practice of the profession.

10 (4) Making a misrepresentation for the purpose of
11 obtaining a license.

12 (5) A pattern of practice or other behavior that
13 demonstrates incapacity or incompetence to practice under
14 this Act.

15 (6) Gross negligence under this Act.

16 (7) Aiding or assisting another person in violating a
17 provision of this Act or its rules.

18 (8) Failing to provide information within 60 days in
19 response to a written request made by the Department.

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct or conduct of a character likely to
22 deceive, defraud, or harm the public.

23 (10) Inability to practice with reasonable judgment,
24 skill, or safety as a result of habitual or excessive use
25 or addiction to alcohol, narcotics, stimulants, or any
26 other chemical agent or drug.

1 (11) Discipline by another state or territory of the
2 United States, the federal government, or foreign nation,
3 if at least one of the grounds for the discipline is the
4 same or substantially equivalent to one set forth in this
5 Section.

6 (12) Directly or indirectly giving to or receiving from
7 a person, firm, corporation, partnership, or association a
8 fee, commission, rebate, or other form of compensation for
9 professional services not actually or personally rendered.
10 Nothing in this paragraph (12) affects any bona fide
11 independent contractor or employment arrangements among
12 health care professionals, health facilities, health care
13 providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this Act.
18 Nothing in this paragraph (12) shall be construed to
19 require an employment arrangement to receive professional
20 fees for services rendered.

21 (13) A finding by the Board that the licensee or
22 registrant, after having his or her license placed on
23 probationary status, has violated the terms of probation.

24 (14) Abandonment of a patient or client.

25 (15) Willfully making or filing false records or
26 reports in his or her practice including, but not limited

1 to, false records filed with State agencies or departments.

2 (16) Willfully failing to report an instance of
3 suspected child abuse or neglect as required by the Abused
4 and Neglected Child Reporting Act.

5 (17) Inability to practice the profession with
6 reasonable judgment, skill, or safety as a result of a
7 physical illness, including, but not limited to,
8 deterioration through the aging process or loss of motor
9 skill, or a mental illness or disability.

10 (18) Solicitation of professional services using false
11 or misleading advertising.

12 (b) In enforcing this Section, the Department or Board upon
13 a showing of a possible violation, may compel a licensee or
14 applicant to submit to a mental or physical examination, or
15 both, as required by and at the expense of the Department. The
16 Department or Board may order the examining physician to
17 present testimony concerning the mental or physical
18 examination of the licensee or applicant. No information shall
19 be excluded by reason of any common law or statutory privilege
20 relating to communications between the licensee or applicant
21 and the examining physician. The examining physicians shall be
22 specifically designated by the Board or Department. The
23 individual to be examined may have, at his or her own expense,
24 another physician of his or her choice present during all
25 aspects of this examination. Failure of an individual to submit
26 to a mental or physical examination, when directed, shall be

1 grounds for the immediate suspension of his or her license
2 until the individual submits to the examination if the
3 Department finds that the refusal to submit to the examination
4 was without reasonable cause as defined by rule.

5 In instances in which the Secretary immediately suspends a
6 person's license for his or her failure to submit to a mental
7 or physical examination, when directed, a hearing on that
8 person's license must be convened by the Department within 15
9 days after the suspension and completed without appreciable
10 delay.

11 In instances in which the Secretary otherwise suspends a
12 person's license pursuant to the results of a compelled mental
13 or physical examination, a hearing on that person's license
14 must be convened by the Department within 15 days after the
15 suspension and completed without appreciable delay. The
16 Department and Board shall have the authority to review the
17 subject individual's record of treatment and counseling
18 regarding the impairment to the extent permitted by applicable
19 federal statutes and regulations safeguarding the
20 confidentiality of medical records.

21 An individual licensed under this Act and affected under
22 this Section shall be afforded an opportunity to demonstrate to
23 the Department or Board that he or she can resume practice in
24 compliance with acceptable and prevailing standards under the
25 provisions of his or her license.

26 (c) (Blank). ~~The Department shall deny a license or renewal~~

1 ~~authorized by this Act to a person who has defaulted on an~~
2 ~~educational loan or scholarship provided or guaranteed by the~~
3 ~~Illinois Student Assistance Commission or any governmental~~
4 ~~agency of this State in accordance with subsection (a) (5) of~~
5 ~~Section 2105-15 of the Department of Professional Regulation~~
6 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
7 ~~2105/2105-15).~~

8 (d) In cases where the Department of Healthcare and Family
9 Services (formerly Department of Public Aid) has previously
10 determined that a licensee or a potential licensee is more than
11 30 days delinquent in the payment of child support and has
12 subsequently certified the delinquency to the Department, the
13 Department may refuse to issue or renew or may revoke or
14 suspend that person's license or may take other disciplinary
15 action against that person based solely upon the certification
16 of delinquency made by the Department of Healthcare and Family
17 Services in accordance with subsection (a) (5) of Section
18 2105-15 of the Department of Professional Regulation Law of the
19 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

20 (e) The Department may refuse to issue or renew a license,
21 or may revoke or suspend a license, for failure to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Department of Revenue, until such time as the requirements of
26 the tax Act are satisfied in accordance with subsection (g) of

1 Section 2105-15 of the Department of Professional Regulation
2 Law of the Civil Administrative Code of Illinois (20 ILCS
3 2105/2105-15).

4 (Source: P.A. 98-756, eff. 7-16-14.)

5 Section 770. The Professional Counselor and Clinical
6 Professional Counselor Licensing and Practice Act is amended by
7 changing Section 80 as follows:

8 (225 ILCS 107/80)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 80. Grounds for discipline.

11 (a) The Department may refuse to issue, renew, or may
12 revoke, suspend, place on probation, reprimand, or take other
13 disciplinary or non-disciplinary action as the Department
14 deems appropriate, including the issuance of fines not to
15 exceed \$10,000 for each violation, with regard to any license
16 for any one or more of the following:

17 (1) Material misstatement in furnishing information to
18 the Department or to any other State agency.

19 (2) Violations or negligent or intentional disregard
20 of this Act or rules adopted under this Act.

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or by
23 sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under
2 the laws of any jurisdiction of the United States: (i) that
3 is a felony or (ii) that is a misdemeanor, an essential
4 element of which is dishonesty, or that is directly related
5 to the practice of the profession.

6 (4) Fraud or any misrepresentation in applying for or
7 procuring a license under this Act or in connection with
8 applying for renewal of a license under this Act.

9 (5) Professional incompetence or gross negligence in
10 the rendering of professional counseling or clinical
11 professional counseling services.

12 (6) Malpractice.

13 (7) Aiding or assisting another person in violating any
14 provision of this Act or any rules.

15 (8) Failing to provide information within 60 days in
16 response to a written request made by the Department.

17 (9) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public and violating the rules of
20 professional conduct adopted by the Department.

21 (10) Habitual or excessive use or abuse of drugs as
22 defined in law as controlled substances, alcohol, or any
23 other substance which results in inability to practice with
24 reasonable skill, judgment, or safety.

25 (11) Discipline by another jurisdiction, the District
26 of Columbia, territory, county, or governmental agency, if

1 at least one of the grounds for the discipline is the same
2 or substantially equivalent to those set forth in this
3 Section.

4 (12) Directly or indirectly giving to or receiving from
5 any person, firm, corporation, partnership, or association
6 any fee, commission, rebate or other form of compensation
7 for any professional service not actually rendered.
8 Nothing in this paragraph (12) affects any bona fide
9 independent contractor or employment arrangements among
10 health care professionals, health facilities, health care
11 providers, or other entities, except as otherwise
12 prohibited by law. Any employment arrangements may include
13 provisions for compensation, health insurance, pension, or
14 other employment benefits for the provision of services
15 within the scope of the licensee's practice under this Act.
16 Nothing in this paragraph (12) shall be construed to
17 require an employment arrangement to receive professional
18 fees for services rendered.

19 (13) A finding by the Board that the licensee, after
20 having the license placed on probationary status, has
21 violated the terms of probation.

22 (14) Abandonment of a client.

23 (15) Willfully filing false reports relating to a
24 licensee's practice, including but not limited to false
25 records filed with federal or State agencies or
26 departments.

1 (16) Willfully failing to report an instance of
2 suspected child abuse or neglect as required by the Abused
3 and Neglected Child Reporting Act and in matters pertaining
4 to suspected abuse, neglect, financial exploitation, or
5 self-neglect of adults with disabilities and older adults
6 as set forth in the Adult Protective Services Act.

7 (17) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 pursuant to the Abused and Neglected Child Reporting Act,
10 and upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act.

14 (18) Physical or mental illness or disability,
15 including, but not limited to, deterioration through the
16 aging process or loss of abilities and skills which results
17 in the inability to practice the profession with reasonable
18 judgment, skill, or safety.

19 (19) Solicitation of professional services by using
20 false or misleading advertising.

21 (20) Allowing one's license under this Act to be used
22 by an unlicensed person in violation of this Act.

23 (21) A finding that licensure has been applied for or
24 obtained by fraudulent means.

25 (22) Practicing under a false or, except as provided by
26 law, an assumed name.

1 (23) Gross and willful overcharging for professional
2 services including filing statements for collection of
3 fees or monies for which services are not rendered.

4 (24) Rendering professional counseling or clinical
5 professional counseling services without a license or
6 practicing outside the scope of a license.

7 (25) Clinical supervisors failing to adequately and
8 responsibly monitor supervisees.

9 All fines imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the
11 fine.

12 (b) (Blank). ~~The Department shall deny, without hearing,~~
13 ~~any application or renewal for a license under this Act to any~~
14 ~~person who has defaulted on an educational loan guaranteed by~~
15 ~~the Illinois Student Assistance Commission or any governmental~~
16 ~~agency of this State in accordance with item (5) of subsection~~
17 ~~(a) of Section 2105 15 of the Department of Professional~~
18 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

19 (b-5) The Department may refuse to issue or may suspend
20 without hearing, as provided for in the Code of Civil
21 Procedure, the license of any person who fails to file a
22 return, pay the tax, penalty, or interest shown in a filed
23 return, or pay any final assessment of the tax, penalty, or
24 interest as required by any tax Act administered by the
25 Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied in accordance

1 with subsection (g) of Section 2105-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code of
3 Illinois.

4 (b-10) In cases where the Department of Healthcare and
5 Family Services has previously determined a licensee or a
6 potential licensee is more than 30 days delinquent in the
7 payment of child support and has subsequently certified the
8 delinquency to the Department, the Department may refuse to
9 issue or renew or may revoke or suspend that person's license
10 or may take other disciplinary action against that person based
11 solely upon the certification of delinquency made by the
12 Department of Healthcare and Family Services in accordance with
13 item (5) of subsection (a) of Section 2105-15 of the Department
14 of Professional Regulation Law of the Civil Administrative Code
15 of Illinois.

16 (c) The determination by a court that a licensee is subject
17 to involuntary admission or judicial admission as provided in
18 the Mental Health and Developmental Disabilities Code will
19 result in an automatic suspension of his or her license. The
20 suspension will end upon a finding by a court that the licensee
21 is no longer subject to involuntary admission or judicial
22 admission, the issuance of an order so finding and discharging
23 the patient, and the recommendation of the Board to the
24 Secretary that the licensee be allowed to resume professional
25 practice.

26 (c-5) In enforcing this Act, the Department, upon a showing

1 of a possible violation, may compel an individual licensed to
2 practice under this Act, or who has applied for licensure under
3 this Act, to submit to a mental or physical examination, or
4 both, as required by and at the expense of the Department. The
5 Department may order the examining physician to present
6 testimony concerning the mental or physical examination of the
7 licensee or applicant. No information shall be excluded by
8 reason of any common law or statutory privilege relating to
9 communications between the licensee or applicant and the
10 examining physician. The examining physicians shall be
11 specifically designated by the Department. The individual to be
12 examined may have, at his or her own expense, another physician
13 of his or her choice present during all aspects of this
14 examination. The examination shall be performed by a physician
15 licensed to practice medicine in all its branches. Failure of
16 an individual to submit to a mental or physical examination,
17 when directed, shall result in an automatic suspension without
18 hearing.

19 A person holding a license under this Act or who has
20 applied for a license under this Act who, because of a physical
21 or mental illness or disability, including, but not limited to,
22 deterioration through the aging process or loss of motor skill,
23 is unable to practice the profession with reasonable judgment,
24 skill, or safety, may be required by the Department to submit
25 to care, counseling, or treatment by physicians approved or
26 designated by the Department as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to
2 practice. Submission to care, counseling, or treatment as
3 required by the Department shall not be considered discipline
4 of a license. If the licensee refuses to enter into a care,
5 counseling, or treatment agreement or fails to abide by the
6 terms of the agreement, the Department may file a complaint to
7 revoke, suspend, or otherwise discipline the license of the
8 individual. The Secretary may order the license suspended
9 immediately, pending a hearing by the Department. Fines shall
10 not be assessed in disciplinary actions involving physical or
11 mental illness or impairment.

12 In instances in which the Secretary immediately suspends a
13 person's license under this Section, a hearing on that person's
14 license must be convened by the Department within 15 days after
15 the suspension and completed without appreciable delay. The
16 Department shall have the authority to review the subject
17 individual's record of treatment and counseling regarding the
18 impairment to the extent permitted by applicable federal
19 statutes and regulations safeguarding the confidentiality of
20 medical records.

21 An individual licensed under this Act and affected under
22 this Section shall be afforded an opportunity to demonstrate to
23 the Department that he or she can resume practice in compliance
24 with acceptable and prevailing standards under the provisions
25 of his or her license.

26 (d) (Blank).

1 (Source: P.A. 100-201, eff. 8-18-17.)

2 Section 775. The Sex Offender Evaluation and Treatment
3 Provider Act is amended by changing Section 75 as follows:

4 (225 ILCS 109/75)

5 Sec. 75. Refusal, revocation, or suspension.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary or nondisciplinary action, as the Department
9 considers appropriate, including the imposition of fines not to
10 exceed \$10,000 for each violation, with regard to any license
11 or licensee for any one or more of the following:

12 (1) violations of this Act or of the rules adopted
13 under this Act;

14 (2) discipline by the Department under other state law
15 and rules which the licensee is subject to;

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

1 (4) professional incompetence;

2 (5) advertising in a false, deceptive, or misleading
3 manner;

4 (6) aiding, abetting, assisting, procuring, advising,
5 employing, or contracting with any unlicensed person to
6 provide sex offender evaluation or treatment services
7 contrary to any rules or provisions of this Act;

8 (7) engaging in immoral conduct in the commission of
9 any act, such as sexual abuse, sexual misconduct, or sexual
10 exploitation, related to the licensee's practice;

11 (8) engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public;

14 (9) practicing or offering to practice beyond the scope
15 permitted by law or accepting and performing professional
16 responsibilities which the licensee knows or has reason to
17 know that he or she is not competent to perform;

18 (10) knowingly delegating professional
19 responsibilities to a person unqualified by training,
20 experience, or licensure to perform;

21 (11) failing to provide information in response to a
22 written request made by the Department within 60 days;

23 (12) having a habitual or excessive use of or addiction
24 to alcohol, narcotics, stimulants, or any other chemical
25 agent or drug which results in the inability to practice
26 with reasonable judgment, skill, or safety;

1 (13) having a pattern of practice or other behavior
2 that demonstrates incapacity or incompetence to practice
3 under this Act;

4 (14) discipline by another state, District of
5 Columbia, territory, or foreign nation, if at least one of
6 the grounds for the discipline is the same or substantially
7 equivalent to those set forth in this Section;

8 (15) a finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation;

11 (16) willfully making or filing false records or
12 reports in his or her practice, including, but not limited
13 to, false records filed with State agencies or departments;

14 (17) making a material misstatement in furnishing
15 information to the Department or otherwise making
16 misleading, deceptive, untrue, or fraudulent
17 representations in violation of this Act or otherwise in
18 the practice of the profession;

19 (18) fraud or misrepresentation in applying for or
20 procuring a license under this Act or in connection with
21 applying for renewal of a license under this Act;

22 (19) inability to practice the profession with
23 reasonable judgment, skill, or safety as a result of
24 physical illness, including, but not limited to,
25 deterioration through the aging process, loss of motor
26 skill, or a mental illness or disability;

1 (20) charging for professional services not rendered,
2 including filing false statements for the collection of
3 fees for which services are not rendered; or

4 (21) practicing under a false or, except as provided by
5 law, an assumed name.

6 All fines shall be paid within 60 days of the effective
7 date of the order imposing the fine.

8 (b) The Department may refuse to issue or may suspend the
9 license of any person who fails to file a tax return, to pay
10 the tax, penalty, or interest shown in a filed tax return, or
11 to pay any final assessment of tax, penalty, or interest, as
12 required by any tax Act administered by the Illinois Department
13 of Revenue, until such time as the requirements of the tax Act
14 are satisfied in accordance with subsection (g) of Section
15 2105-15 of the Civil Administrative Code of Illinois.

16 (c) (Blank). ~~The Department shall deny a license or renewal~~
17 ~~authorized by this Act to a person who has defaulted on an~~
18 ~~educational loan or scholarship provided or guaranteed by the~~
19 ~~Illinois Student Assistance Commission or any governmental~~
20 ~~agency of this State in accordance with item (5) of subsection~~
21 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
22 ~~Illinois.~~

23 (d) In cases where the Department of Healthcare and Family
24 Services has previously determined that a licensee or a
25 potential licensee is more than 30 days delinquent in the
26 payment of child support and has subsequently certified the

1 delinquency to the Department, the Department may refuse to
2 issue or renew or may revoke or suspend that person's license
3 or may take other disciplinary action against that person based
4 solely upon the certification of delinquency made by the
5 Department of Healthcare and Family Services in accordance with
6 item (5) of subsection (a) of Section 2105-15 of the Civil
7 Administrative Code of Illinois.

8 (e) The determination by a circuit court that a licensee is
9 subject to involuntary admission or judicial admission, as
10 provided in the Mental Health and Developmental Disabilities
11 Code, operates as an automatic suspension. The suspension will
12 end only upon a finding by a court that the patient is no
13 longer subject to involuntary admission or judicial admission
14 and the issuance of a court order so finding and discharging
15 the patient.

16 (f) In enforcing this Act, the Department or Board, upon a
17 showing of a possible violation, may compel an individual
18 licensed to practice under this Act, or who has applied for
19 licensure under this Act, to submit to a mental or physical
20 examination, or both, as required by and at the expense of the
21 Department. The Department or Board may order the examining
22 physician to present testimony concerning the mental or
23 physical examination of the licensee or applicant. No
24 information shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician. The

1 examining physician shall be specifically designated by the
2 Board or Department. The individual to be examined may have, at
3 his or her own expense, another physician of his or her choice
4 present during all aspects of this examination. The examination
5 shall be performed by a physician licensed to practice medicine
6 in all its branches. Failure of an individual to submit to a
7 mental or physical examination, when directed, shall result in
8 an automatic suspension without hearing.

9 A person holding a license under this Act or who has
10 applied for a license under this Act who, because of a physical
11 or mental illness or disability, including, but not limited to,
12 deterioration through the aging process or loss of motor skill,
13 is unable to practice the profession with reasonable judgment,
14 skill, or safety, may be required by the Department to submit
15 to care, counseling, or treatment by physicians approved or
16 designated by the Department as a condition, term, or
17 restriction for continued, reinstated, or renewed licensure to
18 practice. Submission to care, counseling, or treatment as
19 required by the Department shall not be considered discipline
20 of a license. If the licensee refuses to enter into a care,
21 counseling, or treatment agreement or fails to abide by the
22 terms of the agreement, the Department may file a complaint to
23 revoke, suspend, or otherwise discipline the license of the
24 individual. The Secretary may order the license suspended
25 immediately, pending a hearing by the Department. Fines shall
26 not be assessed in disciplinary actions involving physical or

1 mental illness or impairment.

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

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

16 (Source: P.A. 97-1098, eff. 7-1-13; 98-756, eff. 7-16-14.)

17 Section 780. The Illinois Speech-Language Pathology and
18 Audiology Practice Act is amended by changing Section 16 as
19 follows:

20 (225 ILCS 110/16) (from Ch. 111, par. 7916)

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

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

23 (1) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, censure, reprimand or take

1 other disciplinary or non-disciplinary action as the
2 Department may deem proper, including fines not to exceed
3 \$10,000 for each violation, with regard to any license for any
4 one or combination of the following causes:

5 (a) Fraud in procuring the license.

6 (b) (Blank).

7 (c) Willful or repeated violations of the rules of the
8 Department of Public Health.

9 (d) Division of fees or agreeing to split or divide the
10 fees received for speech-language pathology or audiology
11 services with any person for referring an individual, or
12 assisting in the care or treatment of an individual,
13 without the knowledge of the individual or his or her legal
14 representative. Nothing in this paragraph (d) affects any
15 bona fide independent contractor or employment
16 arrangements among health care professionals, health
17 facilities, health care providers, or other entities,
18 except as otherwise prohibited by law. Any employment
19 arrangements may include provisions for compensation,
20 health insurance, pension, or other employment benefits
21 for the provision of services within the scope of the
22 licensee's practice under this Act. Nothing in this
23 paragraph (d) shall be construed to require an employment
24 arrangement to receive professional fees for services
25 rendered.

26 (e) Employing, procuring, inducing, aiding or abetting

1 a person not licensed as a speech-language pathologist or
2 audiologist to engage in the unauthorized practice of
3 speech-language pathology or audiology.

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

8 (f) Making any misrepresentations or false promises,
9 directly or indirectly, to influence, persuade or induce
10 patronage.

11 (g) Professional connection or association with, or
12 lending his or her name to another for the illegal practice
13 of speech-language pathology or audiology by another, or
14 professional connection or association with any person,
15 firm or corporation holding itself out in any manner
16 contrary to this Act.

17 (h) Obtaining or seeking to obtain checks, money, or
18 any other things of value by false or fraudulent
19 representations, including but not limited to, engaging in
20 such fraudulent practice to defraud the medical assistance
21 program of the Department of Healthcare and Family Services
22 (formerly Department of Public Aid).

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

24 (j) Improper, unprofessional or dishonorable conduct
25 of a character likely to deceive, defraud or harm the
26 public.

1 (k) Conviction by plea of guilty or nolo contendere,
2 finding of guilt, jury verdict, or entry of judgment or
3 sentencing, including, but not limited to, convictions,
4 preceding sentences of supervision, conditional discharge,
5 or first offender probation, under the laws of any
6 jurisdiction of the United States that is (i) a felony or
7 (ii) a misdemeanor, an essential element of which is
8 dishonesty, or that is directly related to the practice of
9 the profession.

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

12 (m) A violation of any provision of this Act or rules
13 promulgated thereunder.

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

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

25 (p) Gross or repeated malpractice.

26 (q) Willfully making or filing false records or reports

1 in his or her practice as a speech-language pathologist,
2 speech-language pathology assistant, or audiologist,
3 including, but not limited to, false records to support
4 claims against the public assistance program of the
5 Department of Healthcare and Family Services (formerly
6 Illinois Department of Public Aid).

7 (r) Professional incompetence as manifested by poor
8 standards of care or mental incompetence as declared by a
9 court of competent jurisdiction.

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

13 (i) reporting excessive charges for the purpose of
14 obtaining a total payment in excess of that usually
15 received by the speech-language pathologist,
16 speech-language pathology assistant, or audiologist
17 for the services rendered;

18 (ii) reporting charges for services not rendered;

19 or

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

22 (t) (Blank).

23 (u) Violation of the Health Care Worker Self-Referral
24 Act.

25 (v) Inability to practice with reasonable judgment,
26 skill, or safety as a result of habitual or excessive use

1 of or addiction to alcohol, narcotics, or stimulants or any
2 other chemical agent or drug or as a result of physical
3 illness, including, but not limited to, deterioration
4 through the aging process or loss of motor skill, mental
5 illness, or disability.

6 (w) Violation of the Hearing Instrument Consumer
7 Protection Act.

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

11 (y) Willfully exceeding the scope of duties
12 customarily undertaken by speech-language pathology
13 assistants set forth in Section 8.7 that results in, or may
14 result in, harm to the public.

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

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

25 (bb) Violating Section 8.2 of this Act.

26 (cc) Violating Section 8.3 of this Act.

1 (2) (Blank). ~~The Department shall deny a license or renewal~~
2 ~~authorized by this Act to any person who has defaulted on an~~
3 ~~educational loan guaranteed by the Illinois State Scholarship~~
4 ~~Commission; however, the Department may issue a license or~~
5 ~~renewal if the aforementioned persons have established a~~
6 ~~satisfactory repayment record as determined by the Illinois~~
7 ~~State Scholarship Commission.~~

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

22 (4) The Department may refuse to issue or may suspend the
23 license of any person who fails to file a return, or to pay the
24 tax, penalty, or interest shown in a filed return, or to pay
25 any final assessment of the tax penalty or interest, as
26 required by any tax Act administered by the Department of

1 Revenue, until such time as the requirements of any such tax
2 Act are satisfied.

3 (5) In enforcing this Section, the Board upon a showing of
4 a possible violation may compel an individual licensed to
5 practice under this Act, or who has applied for licensure
6 pursuant to this Act, to submit to a mental or physical
7 examination, or both, as required by and at the expense of the
8 Department. The examining physicians or clinical psychologists
9 shall be those specifically designated by the Board. The
10 individual to be examined may have, at his or her own expense,
11 another physician or clinical psychologist of his or her choice
12 present during all aspects of this examination. Failure of any
13 individual to submit to a mental or physical examination, when
14 directed, shall be grounds for suspension of his or her license
15 until the individual submits to the examination if the Board
16 finds, after notice and hearing, that the refusal to submit to
17 the examination was without reasonable cause.

18 If the Board finds an individual unable to practice because
19 of the reasons set forth in this Section, the Board may require
20 that individual to submit to care, counseling, or treatment by
21 physicians or clinical psychologists approved or designated by
22 the Board, as a condition, term, or restriction for continued,
23 restored, or renewed licensure to practice; or, in lieu of
24 care, counseling, or treatment, the Board may recommend to the
25 Department to file a complaint to immediately suspend, revoke,
26 or otherwise discipline the license of the individual. Any

1 individual whose license was granted, continued, restored,
2 renewed, disciplined or supervised subject to such terms,
3 conditions, or restrictions, and who fails to comply with such
4 terms, conditions, or restrictions, shall be referred to the
5 Secretary for a determination as to whether the individual
6 shall have his or her license suspended immediately, pending a
7 hearing by the Board.

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

17 An individual licensed under this Act and affected under
18 this Section shall be afforded an opportunity to demonstrate to
19 the Board that he or she can resume practice in compliance with
20 acceptable and prevailing standards under the provisions of his
21 or her license.

22 (Source: P.A. 100-530, eff. 1-1-18.)

23 Section 785. The Veterinary Medicine and Surgery Practice
24 Act of 2004 is amended by changing Section 25 as follows:

1 (225 ILCS 115/25) (from Ch. 111, par. 7025)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 25. Disciplinary actions.

4 1. The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem appropriate, including imposing fines not to exceed
8 \$10,000 for each violation and the assessment of costs as
9 provided for in Section 25.3 of this Act, with regard to any
10 license or certificate for any one or combination of the
11 following:

12 A. Material misstatement in furnishing information to
13 the Department.

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

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

25 D. Fraud or any misrepresentation in applying for or
26 procuring a license under this Act or in connection with

1 applying for renewal of a license under this Act.

2 E. Professional incompetence.

3 F. Malpractice.

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

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

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

11 J. Habitual or excessive use or abuse of drugs defined
12 in law as controlled substances, alcohol, or any other
13 substance that results in the inability to practice with
14 reasonable judgment, skill, or safety.

15 K. Discipline by another state, unit of government,
16 government agency, District of Columbia, territory, or
17 foreign nation, if at least one of the grounds for the
18 discipline is the same or substantially equivalent to those
19 set forth herein.

20 L. Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered.

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

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

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

8 P. Solicitation of professional services other than
9 permitted advertising.

10 Q. Allowing one's license under this Act to be used by
11 an unlicensed person in violation of this Act.

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

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

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

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

26 V. Conviction on a charge of cruelty to animals.

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

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

5 Y. Mental illness or disability that results in the
6 inability to practice under this Act with reasonable
7 judgment, skill, or safety.

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

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

18 BB. Gross, willful, or continued overcharging for
19 professional services.

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

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

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

26 FF. Using, prescribing, or selling a prescription drug

1 or the extra-label use of a prescription drug by any means
2 in the absence of a valid veterinarian-client-patient
3 relationship.

4 GG. Failing to report a case of suspected aggravated
5 cruelty, torture, or animal fighting pursuant to Section
6 3.07 or 4.01 of the Humane Care for Animals Act or Section
7 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
8 Code of 2012.

9 All fines imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the fine
11 or in accordance with the terms set forth in the order imposing
12 the fine.

13 2. The determination by a circuit court that a licensee or
14 certificate holder is subject to involuntary admission or
15 judicial admission as provided in the Mental Health and
16 Developmental Disabilities Code operates as an automatic
17 suspension. The suspension will end only upon a finding by a
18 court that the patient is no longer subject to involuntary
19 admission or judicial admission and issues an order so finding
20 and discharging the patient. In any case where a license is
21 suspended under this provision, the licensee shall file a
22 petition for restoration and shall include evidence acceptable
23 to the Department that the licensee can resume practice in
24 compliance with acceptable and prevailing standards of his or
25 her profession.

26 3. All proceedings to suspend, revoke, place on

1 probationary status, or take any other disciplinary action as
2 the Department may deem proper, with regard to a license or
3 certificate on any of the foregoing grounds, must be commenced
4 within 5 years after receipt by the Department of a complaint
5 alleging the commission of or notice of the conviction order
6 for any of the acts described in this Section. Except for
7 proceedings brought for violations of items (CC), (DD), or
8 (EE), no action shall be commenced more than 5 years after the
9 date of the incident or act alleged to have violated this
10 Section. In the event of the settlement of any claim or cause
11 of action in favor of the claimant or the reduction to final
12 judgment of any civil action in favor of the plaintiff, the
13 claim, cause of action, or civil action being grounded on the
14 allegation that a person licensed or certified under this Act
15 was negligent in providing care, the Department shall have an
16 additional period of one year from the date of the settlement
17 or final judgment in which to investigate and begin formal
18 disciplinary proceedings under Section 25.2 of this Act, except
19 as otherwise provided by law. The time during which the holder
20 of the license or certificate was outside the State of Illinois
21 shall not be included within any period of time limiting the
22 commencement of disciplinary action by the Department.

23 4. The Department may refuse to issue or may suspend
24 without hearing, as provided for in the Illinois Code of Civil
25 Procedure, the license of any person who fails to file a
26 return, to pay the tax, penalty, or interest shown in a filed

1 return, or to pay any final assessment of tax, penalty, or
2 interest as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied in accordance
5 with subsection (g) of Section 2105-15 of the Civil
6 Administrative Code of Illinois.

7 5. In enforcing this Section, the Department, upon a
8 showing of a possible violation, may compel any individual who
9 is registered under this Act or any individual who has applied
10 for registration to submit to a mental or physical examination
11 or evaluation, or both, which may include a substance abuse or
12 sexual offender evaluation, at the expense of the Department.
13 The Department shall specifically designate the examining
14 physician licensed to practice medicine in all of its branches
15 or, if applicable, the multidisciplinary team involved in
16 providing the mental or physical examination and evaluation.
17 The multidisciplinary team shall be led by a physician licensed
18 to practice medicine in all of its branches and may consist of
19 one or more or a combination of physicians licensed to practice
20 medicine in all of its branches, licensed chiropractic
21 physicians, licensed clinical psychologists, licensed clinical
22 social workers, licensed clinical professional counselors, and
23 other professional and administrative staff. Any examining
24 physician or member of the multidisciplinary team may require
25 any person ordered to submit to an examination and evaluation
26 pursuant to this Section to submit to any additional

1 supplemental testing deemed necessary to complete any
2 examination or evaluation process, including, but not limited
3 to, blood testing, urinalysis, psychological testing, or
4 neuropsychological testing.

5 The Department may order the examining physician or any
6 member of the multidisciplinary team to provide to the
7 Department any and all records, including business records,
8 that relate to the examination and evaluation, including any
9 supplemental testing performed. The Department may order the
10 examining physician or any member of the multidisciplinary team
11 to present testimony concerning this examination and
12 evaluation of the registrant or applicant, including testimony
13 concerning any supplemental testing or documents relating to
14 the examination and evaluation. No information, report,
15 record, or other documents in any way related to the
16 examination and evaluation shall be excluded by reason of any
17 common law or statutory privilege relating to communication
18 between the licensee or applicant and the examining physician
19 or any member of the multidisciplinary team. No authorization
20 is necessary from the registrant or applicant ordered to
21 undergo an evaluation and examination for the examining
22 physician or any member of the multidisciplinary team to
23 provide information, reports, records, or other documents or to
24 provide any testimony regarding the examination and
25 evaluation. The individual to be examined may have, at his or
26 her own expense, another physician of his or her choice present

1 during all aspects of the examination.

2 Failure of any individual to submit to mental or physical
3 examination or evaluation, or both, when directed, shall result
4 in an automatic suspension without hearing, until such time as
5 the individual submits to the examination. If the Department
6 finds a registrant unable to practice because of the reasons
7 set forth in this Section, the Department shall require such
8 registrant to submit to care, counseling, or treatment by
9 physicians approved or designated by the Department as a
10 condition for continued, reinstated, or renewed registration.

11 In instances in which the Secretary immediately suspends a
12 registration under this Section, a hearing upon such person's
13 registration must be convened by the Department within 15 days
14 after such suspension and completed without appreciable delay.
15 The Department shall have the authority to review the
16 registrant's record of treatment and counseling regarding the
17 impairment to the extent permitted by applicable federal
18 statutes and regulations safeguarding the confidentiality of
19 medical records.

20 Individuals registered under this Act who are affected
21 under this Section, shall be afforded an opportunity to
22 demonstrate to the Department that they can resume practice in
23 compliance with acceptable and prevailing standards under the
24 provisions of their registration.

25 6. (Blank). ~~The Department shall deny a license or renewal~~
26 ~~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 2105-15 of the Civil Administrative Code of Illinois.

(Source: P.A. 98-339, eff. 12-31-13; 99-78, eff. 7-20-15.)

Section 790. The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act is amended by changing Section 75 as follows:

(225 ILCS 130/75)

(Section scheduled to be repealed on January 1, 2024)

Sec. 75. Grounds for disciplinary action.

(a) The Department may refuse to issue, renew, or restore a

1 registration, may revoke or suspend a registration, or may
2 place on probation, reprimand, or take other disciplinary or
3 non-disciplinary action with regard to a person registered
4 under this Act, including but not limited to the imposition of
5 fines not to exceed \$10,000 for each violation and the
6 assessment of costs as provided for in Section 90, for any one
7 or combination of the following causes:

8 (1) Making a material misstatement in furnishing
9 information to the Department.

10 (2) Violating a provision of this Act or rules adopted
11 under this Act.

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

21 (4) Fraud or misrepresentation in applying for,
22 renewing, restoring, reinstating, or procuring a
23 registration under this Act.

24 (5) Aiding or assisting another person in violating a
25 provision of this Act or its rules.

26 (6) Failing to provide information within 60 days in

1 response to a written request made by the Department.

2 (7) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public, as defined by rule of the
5 Department.

6 (8) Discipline by another United States jurisdiction,
7 governmental agency, unit of government, or foreign
8 nation, if at least one of the grounds for discipline is
9 the same or substantially equivalent to those set forth in
10 this Section.

11 (9) Directly or indirectly giving to or receiving from
12 a person, firm, corporation, partnership, or association a
13 fee, commission, rebate, or other form of compensation for
14 professional services not actually or personally rendered.
15 Nothing in this paragraph (9) affects any bona fide
16 independent contractor or employment arrangements among
17 health care professionals, health facilities, health care
18 providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the registrant's practice under this
23 Act. Nothing in this paragraph (9) shall be construed to
24 require an employment arrangement to receive professional
25 fees for services rendered.

26 (10) A finding by the Department that the registrant,

1 after having his or her registration placed on probationary
2 status, has violated the terms of probation.

3 (11) Willfully making or filing false records or
4 reports in his or her practice, including but not limited
5 to false records or reports filed with State agencies.

6 (12) Willfully making or signing a false statement,
7 certificate, or affidavit to induce payment.

8 (13) Willfully failing to report an instance of
9 suspected child abuse or neglect as required under the
10 Abused and Neglected Child Reporting Act.

11 (14) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act and upon
14 proof by clear and convincing evidence that the registrant
15 has caused a child to be an abused child or neglected child
16 as defined in the Abused and Neglected Child Reporting Act.

17 (15) (Blank).

18 (16) Failure to report to the Department (A) any
19 adverse final action taken against the registrant by
20 another registering or licensing jurisdiction, government
21 agency, law enforcement agency, or any court or (B)
22 liability for conduct that would constitute grounds for
23 action as set forth in this Section.

24 (17) Habitual or excessive use or abuse of drugs
25 defined in law as controlled substances, alcohol, or any
26 other substance that results in the inability to practice

1 with reasonable judgment, skill, or safety.

2 (18) Physical or mental illness, including but not
3 limited to deterioration through the aging process or loss
4 of motor skills, which results in the inability to practice
5 the profession for which he or she is registered with
6 reasonable judgment, skill, or safety.

7 (19) Gross malpractice.

8 (20) Immoral conduct in the commission of an act
9 related to the registrant's practice, including but not
10 limited to sexual abuse, sexual misconduct, or sexual
11 exploitation.

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

14 (b) The Department may refuse to issue or may suspend
15 without hearing the registration of a person who fails to file
16 a return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay a final assessment of the tax, penalty, or
18 interest as required by a tax Act administered by the
19 Department of Revenue, until the requirements of the tax Act
20 are satisfied in accordance with subsection (g) of Section
21 2105-15 of the Department of Regulation Law of the Civil
22 Administrative Code of Illinois.

23 (c) The determination by a circuit court that a registrant
24 is subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code operates as an automatic suspension. The suspension will

1 end only upon (1) a finding by a court that the patient is no
2 longer subject to involuntary admission or judicial admission,
3 (2) issuance of an order so finding and discharging the
4 patient, and (3) filing of a petition for restoration
5 demonstrating fitness to practice.

6 (d) (Blank). ~~The Department shall deny a registration or~~
7 ~~renewal authorized by this Act to a person who has defaulted on~~
8 ~~an educational loan or scholarship provided or guaranteed by~~
9 ~~the Illinois Student Assistance Commission or any governmental~~
10 ~~agency of this State in accordance with paragraph (5) of~~
11 ~~subsection (a) of Section 2105-15 of the Department of~~
12 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

13 (e) In cases where the Department of Healthcare and Family
14 Services has previously determined a registrant or a potential
15 registrant is more than 30 days delinquent in the payment of
16 child support and has subsequently certified the delinquency to
17 the Department, the Department may refuse to issue or renew or
18 may revoke or suspend that person's registration or may take
19 other disciplinary action against that person based solely upon
20 the certification of delinquency made by the Department of
21 Healthcare and Family Services in accordance with paragraph (5)
22 of subsection (a) of Section 2105-15 of the Department of
23 Professional Regulation Law of the Civil Administrative Code of
24 Illinois.

25 (f) In enforcing this Section, the Department, upon a
26 showing of a possible violation, may compel any individual

1 registered under this Act or any individual who has applied for
2 registration to submit to a mental or physical examination and
3 evaluation, or both, that may include a substance abuse or
4 sexual offender evaluation, at the expense of the Department.
5 The Department shall specifically designate the examining
6 physician licensed to practice medicine in all of its branches
7 or, if applicable, the multidisciplinary team involved in
8 providing the mental or physical examination and evaluation, or
9 both. The multidisciplinary team shall be led by a physician
10 licensed to practice medicine in all of its branches and may
11 consist of one or more or a combination of physicians licensed
12 to practice medicine in all of its branches, licensed
13 chiropractic physicians, licensed clinical psychologists,
14 licensed clinical social workers, licensed clinical
15 professional counselors, and other professional and
16 administrative staff. Any examining physician or member of the
17 multidisciplinary team may require any person ordered to submit
18 to an examination and evaluation pursuant to this Section to
19 submit to any additional supplemental testing deemed necessary
20 to complete any examination or evaluation process, including,
21 but not limited to, blood testing, urinalysis, psychological
22 testing, or neuropsychological testing.

23 The Department may order the examining physician or any
24 member of the multidisciplinary team to provide to the
25 Department any and all records, including business records,
26 that relate to the examination and evaluation, including any

1 supplemental testing performed. The Department may order the
2 examining physician or any member of the multidisciplinary team
3 to present testimony concerning this examination and
4 evaluation of the registrant or applicant, including testimony
5 concerning any supplemental testing or documents relating to
6 the examination and evaluation. No information, report,
7 record, or other documents in any way related to the
8 examination and evaluation shall be excluded by reason of any
9 common law or statutory privilege relating to communication
10 between the registrant or applicant and the examining physician
11 or any member of the multidisciplinary team. No authorization
12 is necessary from the registrant or applicant ordered to
13 undergo an evaluation and examination for the examining
14 physician or any member of the multidisciplinary team to
15 provide information, reports, records, or other documents or to
16 provide any testimony regarding the examination and
17 evaluation. The individual to be examined may have, at his or
18 her own expense, another physician of his or her choice present
19 during all aspects of the examination.

20 Failure of any individual to submit to mental or physical
21 examination and evaluation, or both, when directed, shall
22 result in an automatic suspension without a hearing until such
23 time as the individual submits to the examination. If the
24 Department finds a registrant unable to practice because of the
25 reasons set forth in this Section, the Department shall require
26 such registrant to submit to care, counseling, or treatment by

1 physicians approved or designated by the Department as a
2 condition for continued, reinstated, or renewed registration.

3 When the Secretary immediately suspends a registration
4 under this Section, a hearing upon such person's registration
5 must be convened by the Department within 15 days after such
6 suspension and completed without appreciable delay. The
7 Department shall have the authority to review the registrant's
8 record of treatment and counseling regarding the impairment to
9 the extent permitted by applicable federal statutes and
10 regulations safeguarding the confidentiality of medical
11 records.

12 Individuals registered under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate to
14 the Department that they can resume practice in compliance with
15 acceptable and prevailing standards under the provisions of
16 their registration.

17 (g) All fines imposed under this Section shall be paid
18 within 60 days after the effective date of the order imposing
19 the fine or in accordance with the terms set forth in the order
20 imposing the fine.

21 (Source: P.A. 98-364, eff. 12-31-13.)

22 Section 795. The Genetic Counselor Licensing Act is amended
23 by changing Section 95 as follows:

24 (225 ILCS 135/95)

1 (Section scheduled to be repealed on January 1, 2025)

2 Sec. 95. Grounds for discipline.

3 (a) The Department may refuse to issue, renew, or may
4 revoke, suspend, place on probation, reprimand, or take other
5 disciplinary or non-disciplinary action as the Department
6 deems appropriate, including the issuance of fines not to
7 exceed \$10,000 for each violation, with regard to any license
8 for any one or more of the following:

9 (1) Material misstatement in furnishing information to
10 the Department or to any other State agency.

11 (2) Violations or negligent or intentional disregard
12 of this Act, or any of its rules.

13 (3) Conviction by plea of guilty or nolo contendere,
14 finding of guilt, jury verdict, or entry of judgment or
15 sentencing, including, but not limited to, convictions,
16 preceding sentences of supervision, conditional discharge,
17 or first offender probation, under the laws of any
18 jurisdiction of the United States: (i) that is a felony or
19 (ii) that is a misdemeanor, an essential element of which
20 is dishonesty, or that is directly related to the practice
21 of genetic counseling.

22 (4) Making any misrepresentation for the purpose of
23 obtaining a license, or violating any provision of this Act
24 or its rules.

25 (5) Negligence in the rendering of genetic counseling
26 services.

1 (6) Failure to provide genetic testing results and any
2 requested information to a referring physician licensed to
3 practice medicine in all its branches, advanced practice
4 registered nurse, or physician assistant.

5 (7) Aiding or assisting another person in violating any
6 provision of this Act or any rules.

7 (8) Failing to provide information within 60 days in
8 response to a written request made by the Department.

9 (9) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public and violating the rules of
12 professional conduct adopted by the Department.

13 (10) Failing to maintain the confidentiality of any
14 information received from a client, unless otherwise
15 authorized or required by law.

16 (10.5) Failure to maintain client records of services
17 provided and provide copies to clients upon request.

18 (11) Exploiting a client for personal advantage,
19 profit, or interest.

20 (12) Habitual or excessive use or addiction to alcohol,
21 narcotics, stimulants, or any other chemical agent or drug
22 which results in inability to practice with reasonable
23 skill, judgment, or safety.

24 (13) Discipline by another governmental agency or unit
25 of government, by any jurisdiction of the United States, or
26 by a foreign nation, if at least one of the grounds for the

1 discipline is the same or substantially equivalent to those
2 set forth in this Section.

3 (14) Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership, or association
5 any fee, commission, rebate, or other form of compensation
6 for any professional service not actually rendered.
7 Nothing in this paragraph (14) affects any bona fide
8 independent contractor or employment arrangements among
9 health care professionals, health facilities, health care
10 providers, or other entities, except as otherwise
11 prohibited by law. Any employment arrangements may include
12 provisions for compensation, health insurance, pension, or
13 other employment benefits for the provision of services
14 within the scope of the licensee's practice under this Act.
15 Nothing in this paragraph (14) shall be construed to
16 require an employment arrangement to receive professional
17 fees for services rendered.

18 (15) A finding by the Department that the licensee,
19 after having the license placed on probationary status has
20 violated the terms of probation.

21 (16) Failing to refer a client to other health care
22 professionals when the licensee is unable or unwilling to
23 adequately support or serve the client.

24 (17) Willfully filing false reports relating to a
25 licensee's practice, including but not limited to false
26 records filed with federal or State agencies or

1 departments.

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

5 (19) Being named as a perpetrator in an indicated
6 report by the Department of Children and Family Services
7 pursuant to the Abused and Neglected Child Reporting Act,
8 and upon proof by clear and convincing evidence that the
9 licensee has caused a child to be an abused child or
10 neglected child as defined in the Abused and Neglected
11 Child Reporting Act.

12 (20) Physical or mental disability, including
13 deterioration through the aging process or loss of
14 abilities and skills which results in the inability to
15 practice the profession with reasonable judgment, skill,
16 or safety.

17 (21) Solicitation of professional services by using
18 false or misleading advertising.

19 (22) Failure to file a return, or to pay the tax,
20 penalty of interest shown in a filed return, or to pay any
21 final assessment of tax, penalty or interest, as required
22 by any tax Act administered by the Illinois Department of
23 Revenue or any successor agency or the Internal Revenue
24 Service or any successor agency.

25 (23) Fraud or making any misrepresentation in applying
26 for or procuring a license under this Act or in connection

1 with applying for renewal of a license under this Act.

2 (24) Practicing or attempting to practice under a name
3 other than the full name as shown on the license or any
4 other legally authorized name.

5 (25) Gross overcharging for professional services,
6 including filing statements for collection of fees or
7 monies for which services are not rendered.

8 (26) (Blank).

9 (27) Charging for professional services not rendered,
10 including filing false statements for the collection of
11 fees for which services are not rendered.

12 (28) Allowing one's license under this Act to be used
13 by an unlicensed person in violation of this Act.

14 (b) (Blank). ~~The Department shall deny, without hearing,~~
15 ~~any application or renewal for a license under this Act to any~~
16 ~~person who has defaulted on an educational loan guaranteed by~~
17 ~~the Illinois Student Assistance Commission; however, the~~
18 ~~Department may issue a license or renewal if the person in~~
19 ~~default has established a satisfactory repayment record as~~
20 ~~determined by the Illinois Student Assistance Commission.~~

21 (c) The determination by a court that a licensee is subject
22 to involuntary admission or judicial admission as provided in
23 the Mental Health and Developmental Disabilities Code will
24 result in an automatic suspension of his or her license. The
25 suspension will end upon a finding by a court that the licensee
26 is no longer subject to involuntary admission or judicial

1 admission, the issuance of an order so finding and discharging
2 the patient, and the determination of the Secretary that the
3 licensee be allowed to resume professional practice.

4 (d) The Department may refuse to issue or renew or may
5 suspend without hearing the license of any person who fails to
6 file a return, to pay the tax penalty or interest shown in a
7 filed return, or to pay any final assessment of the tax,
8 penalty, or interest as required by any Act regarding the
9 payment of taxes administered by the Illinois Department of
10 Revenue until the requirements of the Act are satisfied in
11 accordance with subsection (g) of Section 2105-15 of the Civil
12 Administrative Code of Illinois.

13 (e) In cases where the Department of Healthcare and Family
14 Services has previously determined that a licensee or a
15 potential licensee is more than 30 days delinquent in the
16 payment of child support and has subsequently certified the
17 delinquency to the Department, the Department may refuse to
18 issue or renew or may revoke or suspend that person's license
19 or may take other disciplinary action against that person based
20 solely upon the certification of delinquency made by the
21 Department of Healthcare and Family Services in accordance with
22 item (5) of subsection (a) of Section 2105-15 of the Department
23 of Professional Regulation Law of the Civil Administrative Code
24 of Illinois.

25 (f) All fines or costs imposed under this Section shall be
26 paid within 60 days after the effective date of the order

1 imposing the fine or costs or in accordance with the terms set
2 forth in the order imposing the fine.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-633, eff. 1-1-17;
4 100-201, eff. 8-18-17; 100-513, eff. 1-1-18.)

5 Section 800. The Illinois Architecture Practice Act of 1989
6 is amended by changing Section 22 as follows:

7 (225 ILCS 305/22) (from Ch. 111, par. 1322)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 22. Refusal, suspension and revocation of licenses;
10 causes.

11 (a) The Department may, singularly or in combination,
12 refuse to issue, renew or restore, or may suspend, revoke,
13 place on probation, or take other disciplinary or
14 non-disciplinary action as deemed appropriate, including, but
15 not limited to, the imposition of fines not to exceed \$10,000
16 for each violation, as the Department may deem proper, with
17 regard to a license for any one or combination of the following
18 causes:

19 (1) material misstatement in furnishing information to
20 the Department;

21 (2) negligence, incompetence or misconduct in the
22 practice of architecture;

23 (3) failure to comply with any of the provisions of
24 this Act or any of the rules;

1 (4) making any misrepresentation for the purpose of
2 obtaining licensure;

3 (5) purposefully making false statements or signing
4 false statements, certificates or affidavits to induce
5 payment;

6 (6) conviction of or plea of guilty or nolo contendere
7 to any crime that is a felony under the laws of the United
8 States or any state or territory thereof or that is a
9 misdemeanor, an essential element of which is dishonesty,
10 or any crime that is directly related to the practice of
11 the profession of architecture;

12 (7) aiding or assisting another person in violating any
13 provision of this Act or its rules;

14 (8) signing, affixing the architect's seal or
15 permitting the architect's seal to be affixed to any
16 technical submission not prepared by the architect or under
17 that architect's responsible control;

18 (9) engaging in dishonorable, unethical or
19 unprofessional conduct of a character likely to deceive,
20 defraud or harm the public;

21 (10) habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 that results in the inability to practice with reasonable
24 judgment, skill, or safety;

25 (11) making a statement of compliance pursuant to the
26 Environmental Barriers Act that technical submissions

1 prepared by the architect or prepared under the architect's
2 responsible control for construction or alteration of an
3 occupancy required to be in compliance with the
4 Environmental Barriers Act are in compliance with the
5 Environmental Barriers Act when such technical submissions
6 are not in compliance;

7 (12) a finding by the Board that an applicant or
8 registrant has failed to pay a fine imposed by the
9 Department or a registrant, whose license has been placed
10 on probationary status, has violated the terms of
11 probation;

12 (13) discipline by another state, territory, foreign
13 country, the District of Columbia, the United States
14 government, or any other governmental agency, if at least
15 one of the grounds for discipline is the same or
16 substantially equivalent to those set forth herein;

17 (14) failure to provide information in response to a
18 written request made by the Department within 30 days after
19 the receipt of such written request;

20 (15) physical illness, including, but not limited to,
21 deterioration through the aging process or loss of motor
22 skill, mental illness, or disability which results in the
23 inability to practice the profession with reasonable
24 judgment, skill, and safety, including without limitation
25 deterioration through the aging process, mental illness,
26 or disability.

1 (a-5) In enforcing this Section, the Department or Board,
2 upon a showing of a possible violation, may order a licensee or
3 applicant to submit to a mental or physical examination, or
4 both, at the expense of the Department. The Department or Board
5 may order the examining physician to present testimony
6 concerning his or her examination of the licensee or applicant.
7 No information shall be excluded by reason of any common law or
8 statutory privilege relating to communications between the
9 licensee or applicant and the examining physician. The
10 examining physicians shall be specifically designated by the
11 Board or Department. The licensee or applicant may have, at his
12 or her own expense, another physician of his or her choice
13 present during all aspects of the examination. Failure of a
14 licensee or applicant to submit to any such examination when
15 directed, without reasonable cause as defined by rule, shall be
16 grounds for either the immediate suspension of his or her
17 license or immediate denial of his or her application.

18 If the Secretary immediately suspends the license of a
19 licensee for his or her failure to submit to a mental or
20 physical examination when directed, a hearing must be convened
21 by the Department within 15 days after the suspension and
22 completed without appreciable delay.

23 If the Secretary otherwise suspends a license pursuant to
24 the results of the licensee's mental or physical examination, a
25 hearing must be convened by the Department within 15 days after
26 the suspension and completed without appreciable delay. The

1 Department and Board shall have the authority to review the
2 licensee's record of treatment and counseling regarding the
3 relevant impairment or impairments to the extent permitted by
4 applicable federal statutes and regulations safeguarding the
5 confidentiality of medical records.

6 Any licensee suspended under this subsection (a-5) shall be
7 afforded an opportunity to demonstrate to the Department or
8 Board that he or she can resume practice in compliance with the
9 acceptable and prevailing standards under the provisions of his
10 or her license.

11 (b) The determination by a circuit court that a licensee is
12 subject to involuntary admission or judicial admission, as
13 provided in the Mental Health and Developmental Disabilities
14 Code, operates as an automatic suspension. Such suspension will
15 end only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission,
17 the issuance of an order so finding and discharging the
18 patient, and the recommendation of the Board to the Secretary
19 that the licensee be allowed to resume practice.

20 (c) (Blank). ~~The Department shall deny a license or renewal~~
21 ~~authorized by this Act to a person who has defaulted on an~~
22 ~~educational loan or scholarship provided or guaranteed by the~~
23 ~~Illinois Student Assistance Commission or any governmental~~
24 ~~agency of this State in accordance with subdivision (a) (5) of~~
25 ~~Section 2105-15 of the Department of Professional Regulation~~
26 ~~Law of the Civil Administrative Code of Illinois.~~

1 (d) In cases where the Department of Healthcare and Family
2 Services (formerly the Department of Public Aid) has previously
3 determined that a licensee or a potential licensee is more than
4 30 days delinquent in the payment of child support and has
5 subsequently certified the delinquency to the Department, the
6 Department shall refuse to issue or renew or shall revoke or
7 suspend that person's license or shall take other disciplinary
8 action against that person based solely upon the certification
9 of delinquency made by the Department of Healthcare and Family
10 Services in accordance with subdivision (a)(5) of Section
11 2105-15 of the Department of Professional Regulation Law of the
12 Civil Administrative Code of Illinois.

13 (e) The Department shall deny a license or renewal
14 authorized by this Act to a person who has failed to file a
15 return, to pay the tax, penalty, or interest shown in a filed
16 return, or to pay any final assessment of tax, penalty, or
17 interest as required by any tax Act administered by the
18 Department of Revenue, until such time as the requirements of
19 the tax Act are satisfied in accordance with subsection (g) of
20 Section 2105-15 of the Department of Professional Regulation
21 Law of the Civil Administrative Code of Illinois.

22 (f) Persons who assist the Department as consultants or
23 expert witnesses in the investigation or prosecution of alleged
24 violations of the Act, licensure matters, restoration
25 proceedings, or criminal prosecutions, shall not be liable for
26 damages in any civil action or proceeding as a result of such

1 assistance, except upon proof of actual malice. The attorney
2 general shall defend such persons in any such action or
3 proceeding.

4 (Source: P.A. 98-756, eff. 7-16-14.)

5 Section 805. The Interior Design Title Act is amended by
6 changing Section 13 as follows:

7 (225 ILCS 310/13) (from Ch. 111, par. 8213)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 13. Refusal, revocation or suspension of
10 registration. The Department may refuse to issue, renew, or
11 restore or may revoke, suspend, place on probation, reprimand
12 or take other disciplinary action as the Department may deem
13 proper, including fines not to exceed \$5,000 for each
14 violation, with regard to any registration for any one or
15 combination of the following causes:

16 (a) Fraud in procuring the certificate of
17 registration.

18 (b) Habitual intoxication or addiction to the use of
19 drugs.

20 (c) Making any misrepresentations or false promises,
21 directly or indirectly, to influence, persuade, or induce
22 patronage.

23 (d) Professional connection or association with, or
24 lending his or her name, to another for illegal use of the

1 title "registered interior designer", or professional
2 connection or association with any person, firm, or
3 corporation holding itself out in any manner contrary to
4 this Act.

5 (e) Obtaining or seeking to obtain checks, money, or
6 any other items of value by false or fraudulent
7 representations.

8 (f) Use of the title under a name other than his or her
9 own.

10 (g) Improper, unprofessional, or dishonorable conduct
11 of a character likely to deceive, defraud, or harm the
12 public.

13 (h) Conviction in this or another state, or federal
14 court, of any crime which is a felony, if the Department
15 determines, after investigation, that such person has not
16 been sufficiently rehabilitated to warrant the public
17 trust.

18 (i) A violation of any provision of this Act or its
19 rules.

20 (j) Revocation by another state, the District of
21 Columbia, territory, or foreign nation of an interior
22 design or residential interior design registration if at
23 least one of the grounds for that revocation is the same as
24 or the equivalent of one of the grounds for revocation set
25 forth in this Act.

26 (k) Mental incompetence as declared by a court of

1 competent jurisdiction.

2 (1) Being named as a perpetrator in an indicated report
3 by the Department of Children and Family Services pursuant
4 to the Abused and Neglected Child Reporting Act, and upon
5 proof by clear and convincing evidence that the registrant
6 has caused a child to be an abused child or neglected child
7 as defined in the Abused and Neglected Child Reporting Act.

8 ~~The Department shall deny a registration or renewal~~
9 ~~authorized by this Act to any person who has defaulted on an~~
10 ~~educational loan guaranteed by the Illinois Student Assistance~~
11 ~~Commission; however, the Department may issue a certificate of~~
12 ~~registration or renewal if such person has established a~~
13 ~~satisfactory repayment record as determined by the Illinois~~
14 ~~Student Assistance Commission.~~

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

22 The entry of a decree by any circuit court establishing
23 that any person holding a certificate of registration under
24 this Act is a person subject to involuntary admission under the
25 Mental Health and Developmental Disabilities Code shall
26 operate as a suspension of that registration. That person may

1 resume using the title "registered interior designer" only upon
2 a finding by the Board that he or she has been determined to be
3 no longer subject to involuntary admission by the court and
4 upon the Board's recommendation to the Director that he or she
5 be permitted to resume using the title "registered interior
6 designer".

7 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

8 Section 810. The Professional Engineering Practice Act of
9 1989 is amended by changing Section 24 as follows:

10 (225 ILCS 325/24) (from Ch. 111, par. 5224)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 24. Rules of professional conduct; disciplinary or
13 administrative action.

14 (a) The Department shall adopt rules setting standards of
15 professional conduct and establish appropriate penalties for
16 the breach of such rules.

17 (a-1) The Department may, singularly or in combination,
18 refuse to issue, renew, or restore a license or may revoke,
19 suspend, place on probation, reprimand, or take other
20 disciplinary or non-disciplinary action with regard to a person
21 licensed under this Act, including but not limited to, the
22 imposition of a fine not to exceed \$10,000 per violation upon
23 any person, corporation, partnership, or professional design
24 firm licensed or registered under this Act, for any one or

1 combination of the following causes:

2 (1) Material misstatement in furnishing information to
3 the Department.

4 (2) Violations of this Act or any of its rules.

5 (3) Conviction of or entry of a plea of guilty or nolo
6 contendere to any crime that is a felony under the laws of
7 the United States or any state or territory thereof, or
8 that is a misdemeanor, an essential element of which is
9 dishonesty, or any crime that is directly related to the
10 practice of engineering.

11 (4) Making any misrepresentation for the purpose of
12 obtaining, renewing, or restoring a license or violating
13 any provision of this Act or the rules promulgated under
14 this Act pertaining to advertising.

15 (5) Willfully making or signing a false statement,
16 certificate, or affidavit to induce payment.

17 (6) Negligence, incompetence or misconduct in the
18 practice of professional engineering as a licensed
19 professional engineer or in working as an engineer intern.

20 (7) Aiding or assisting another person in violating any
21 provision of this Act or its rules.

22 (8) Failing to provide information in response to a
23 written request made by the Department within 30 days after
24 receipt of such written request.

25 (9) Engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public.

2 (10) Inability to practice the profession with
3 reasonable judgment, skill, or safety as a result of a
4 physical illness, including, but not limited to,
5 deterioration through the aging process or loss of motor
6 skill, or mental illness or disability.

7 (11) Discipline by the United States Government,
8 another state, District of Columbia, territory, foreign
9 nation or government agency, if at least one of the grounds
10 for the discipline is the same or substantially equivalent
11 to those set forth in this Act.

12 (12) Directly or indirectly giving to or receiving from
13 any person, firm, corporation, partnership or association
14 any fee, commission, rebate or other form of compensation
15 for any professional services not actually or personally
16 rendered.

17 (13) A finding by the Department that an applicant or
18 registrant has failed to pay a fine imposed by the
19 Department, a registrant whose license has been placed on
20 probationary status has violated the terms of probation, or
21 a registrant has practiced on an expired, inactive,
22 suspended, or revoked license.

23 (14) Signing, affixing the professional engineer's
24 seal or permitting the professional engineer's seal to be
25 affixed to any technical submissions not prepared as
26 required by Section 14 or completely reviewed by the

1 professional engineer or under the professional engineer's
2 direct supervision.

3 (15) Inability to practice the profession with
4 reasonable judgment, skill or safety as a result of
5 habitual or excessive use or addiction to alcohol,
6 narcotics, stimulants, or any other chemical agent or drug.

7 (16) The making of a statement pursuant to the
8 Environmental Barriers Act that a plan for construction or
9 alteration of a public facility or for construction of a
10 multi-story housing unit is in compliance with the
11 Environmental Barriers Act when such plan is not in
12 compliance.

13 (17) (Blank).

14 (a-2) The Department shall deny a license or renewal
15 authorized by this Act to a person who has failed to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Department of Revenue, until such time as the requirements of
20 the tax Act are satisfied in accordance with subsection (g) of
21 Section 2105-15 of the Department of Professional Regulation
22 Law of the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15).

24 (a-3) (Blank). ~~The Department shall deny a license or~~
25 ~~renewal authorized by this Act to a person who has defaulted on~~
26 ~~an educational loan or scholarship provided or guaranteed by~~

1 ~~the Illinois Student Assistance Commission or any governmental~~
2 ~~agency of this State in accordance with subdivision (a) (5) of~~
3 ~~Section 2105-15 of the Department of Professional Regulation~~
4 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
5 ~~2105/2105-15).~~

6 (a-4) In cases where the Department of Healthcare and
7 Family Services (formerly the Department of Public Aid) has
8 previously determined that a licensee or a potential licensee
9 is more than 30 days delinquent in the payment of child support
10 and has subsequently certified the delinquency to the
11 Department, the Department shall refuse to issue or renew or
12 shall revoke or suspend that person's license or shall take
13 other disciplinary action against that person based solely upon
14 the certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with subdivision
16 (a) (5) of Section 2105-15 of the Department of Professional
17 Regulation Law of the Civil Administrative Code of Illinois (20
18 ILCS 2105/2105-15).

19 (a-5) In enforcing this Section, the Department or Board,
20 upon a showing of a possible violation, may order a licensee or
21 applicant to submit to a mental or physical examination, or
22 both, at the expense of the Department. The Department or Board
23 may order the examining physician to present testimony
24 concerning his or her examination of the licensee or applicant.
25 No information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician. The
2 examining physicians shall be specifically designated by the
3 Board or Department. The licensee or applicant may have, at his
4 or her own expense, another physician of his or her choice
5 present during all aspects of the examination. Failure of a
6 licensee or applicant to submit to any such examination when
7 directed, without reasonable cause as defined by rule, shall be
8 grounds for either the immediate suspension of his or her
9 license or immediate denial of his or her application.

10 If the Secretary immediately suspends the license of a
11 licensee for his or her failure to submit to a mental or
12 physical examination when directed, a hearing must be convened
13 by the Department within 15 days after the suspension and
14 completed without appreciable delay.

15 If the Secretary otherwise suspends a license pursuant to
16 the results of the licensee's mental or physical examination, a
17 hearing must be convened by the Department within 15 days after
18 the suspension and completed without appreciable delay. The
19 Department and Board shall have the authority to review the
20 licensee's record of treatment and counseling regarding the
21 relevant impairment or impairments to the extent permitted by
22 applicable federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 Any licensee suspended under this subsection (a-5) shall be
25 afforded an opportunity to demonstrate to the Department or
26 Board that he or she can resume practice in compliance with the

1 acceptable and prevailing standards under the provisions of his
2 or her license.

3 (b) The determination by a circuit court that a registrant
4 is subject to involuntary admission or judicial admission as
5 provided in the Mental Health and Developmental Disabilities
6 Code, as now or hereafter amended, operates as an automatic
7 suspension. Such suspension will end only upon a finding by a
8 court that the patient is no longer subject to involuntary
9 admission or judicial admission, the issuance of an order so
10 finding and discharging the patient, and the recommendation of
11 the Board to the Director that the registrant be allowed to
12 resume practice.

13 (Source: P.A. 98-756, eff. 7-16-14.)

14 Section 815. The Illinois Professional Land Surveyor Act of
15 1989 is amended by changing Section 27 as follows:

16 (225 ILCS 330/27) (from Ch. 111, par. 3277)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 27. Grounds for disciplinary action.

19 (a) The Department may refuse to issue or renew a license,
20 or may place on probation or administrative supervision,
21 suspend, or revoke any license, or may reprimand or take any
22 disciplinary or non-disciplinary action as the Department may
23 deem proper, including the imposition of fines not to exceed
24 \$10,000 per violation, upon any person, corporation,

1 partnership, or professional land surveying firm licensed or
2 registered under this Act for any of the following reasons:

3 (1) material misstatement in furnishing information to
4 the Department;

5 (2) violation, including, but not limited to, neglect
6 or intentional disregard, of this Act, or its rules;

7 (3) conviction of, or entry of a plea of guilty or nolo
8 contendere to, any crime that is a felony under the laws of
9 the United States or any state or territory thereof or that
10 is a misdemeanor of which an essential element is
11 dishonesty, or any crime that is directly related to the
12 practice of the profession;

13 (4) making any misrepresentation for the purpose of
14 obtaining a license, or in applying for restoration or
15 renewal, or the practice of any fraud or deceit in taking
16 any examination to qualify for licensure under this Act;

17 (5) purposefully making false statements or signing
18 false statements, certificates, or affidavits to induce
19 payment;

20 (6) proof of carelessness, incompetence, negligence,
21 or misconduct in practicing land surveying;

22 (7) aiding or assisting another person in violating any
23 provision of this Act or its rules;

24 (8) failing to provide information in response to a
25 written request made by the Department within 30 days after
26 receipt of such written request;

1 (9) engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public;

4 (10) inability to practice with reasonable judgment,
5 skill, or safety as a result of habitual or excessive use
6 of, or addiction to, alcohol, narcotics, stimulants or any
7 other chemical agent or drug;

8 (11) discipline by the United States government,
9 another state, District of Columbia, territory, foreign
10 nation or government agency if at least one of the grounds
11 for the discipline is the same or substantially equivalent
12 to those set forth in this Act;

13 (12) directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate, or other form of compensation
16 for any professional services not actually or personally
17 rendered;

18 (12.5) issuing a map or plat of survey where the fee
19 for professional services is contingent on a real estate
20 transaction closing;

21 (13) a finding by the Department that an applicant or
22 licensee has failed to pay a fine imposed by the Department
23 or a licensee whose license has been placed on probationary
24 status has violated the terms of probation;

25 (14) practicing on an expired, inactive, suspended, or
26 revoked license;

1 (15) signing, affixing the Professional Land
2 Surveyor's seal or permitting the Professional Land
3 Surveyor's seal to be affixed to any map or plat of survey
4 not prepared by the Professional Land Surveyor or under the
5 Professional Land Surveyor's direct supervision and
6 control;

7 (16) inability to practice the profession with
8 reasonable judgment, skill, or safety as a result of
9 physical illness, including, but not limited to,
10 deterioration through the aging process or loss of motor
11 skill or a mental illness or disability;

12 (17) (blank); or

13 (18) failure to adequately supervise or control land
14 surveying operations being performed by subordinates.

15 (a-5) In enforcing this Section, the Department or Board,
16 upon a showing of a possible violation, may compel a person
17 licensed to practice under this Act, or who has applied for
18 licensure or certification pursuant to this Act, to submit to a
19 mental or physical examination, or both, as required by and at
20 the expense of the Department. The Department or Board may
21 order the examining physician to present testimony concerning
22 the mental or physical examination of the licensee or
23 applicant. No information shall be excluded by reason of any
24 common law or statutory privilege relating to communications
25 between the licensee or applicant and the examining physician.
26 The examining physicians shall be specifically designated by

1 the Board or Department. The individual to be examined may
2 have, at his or her own expense, another physician of his or
3 her choice present during all aspects of the examination.
4 Failure of an individual to submit to a mental or physical
5 examination when directed shall be grounds for the immediate
6 suspension of his or her license until the individual submits
7 to the examination if the Department finds that the refusal to
8 submit to the examination was without reasonable cause as
9 defined by rule.

10 If the Secretary immediately suspends the license of a
11 licensee for his or her failure to submit to a mental or
12 physical examination when directed, a hearing must be convened
13 by the Department within 15 days after the suspension and
14 completed without appreciable delay.

15 If the Secretary otherwise suspends a person's license
16 pursuant to the results of a compelled mental or physical
17 examination, a hearing on that person's license must be
18 convened by the Department within 15 days after the suspension
19 and completed without appreciable delay. The Department and
20 Board shall have the authority to review the subject
21 individual's record of treatment and counseling regarding
22 impairment to the extent permitted by applicable federal
23 statutes and regulations safeguarding the confidentiality of
24 medical records.

25 Any licensee suspended under this subsection (a-5) shall be
26 afforded an opportunity to demonstrate to the Department or

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

4 (b) The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code, as now or hereafter amended, operates as an automatic
8 license suspension. Such suspension will end only upon a
9 finding by a court that the patient is no longer subject to
10 involuntary admission or judicial admission and the issuance of
11 an order so finding and discharging the patient and upon the
12 recommendation of the Board to the Director that the licensee
13 be allowed to resume his or her practice.

14 (c) (Blank). ~~The Department shall deny a license or renewal~~
15 ~~authorized by this Act to a person who has defaulted on an~~
16 ~~educational loan or scholarship provided or guaranteed by the~~
17 ~~Illinois Student Assistance Commission or any governmental~~
18 ~~agency of this State in accordance with subdivision (a) (5) of~~
19 ~~Section 2105 15 of the Department of Professional Regulation~~
20 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
21 ~~2105/2105-15).~~

22 (d) In cases where the Department of Healthcare and Family
23 Services (formerly the Department of Public Aid) has previously
24 determined that a licensee or a potential licensee is more than
25 30 days delinquent in the payment of child support and has
26 subsequently certified the delinquency to the Department, the

1 Department shall refuse to issue or renew or shall revoke or
2 suspend that person's license or shall take other disciplinary
3 action against that person based solely upon the certification
4 of delinquency made by the Department of Healthcare and Family
5 Services in accordance with subdivision (a)(5) of Section
6 2105-15 of the Department of Professional Regulation Law of the
7 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

8 (e) The Department shall refuse to issue or renew or shall
9 revoke or suspend a person's license or shall take other
10 disciplinary action against that person for his or her failure
11 to file a return, to pay the tax, penalty, or interest shown in
12 a filed return, or to pay any final assessment of tax, penalty,
13 or interest as required by any tax Act administered by the
14 Department of Revenue, until such time as the requirements of
15 the tax Act are satisfied in accordance with subsection (g) of
16 Section 2105-15 of the Department of Professional Regulation
17 Law of the Civil Administrative Code of Illinois (20 ILCS
18 2105/2105-15).

19 (Source: P.A. 98-756, eff. 7-16-14.)

20 Section 820. The Illinois Roofing Industry Licensing Act is
21 amended by changing Section 9.1 as follows:

22 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

23 (Section scheduled to be repealed on January 1, 2026)

24 Sec. 9.1. Grounds for disciplinary action.

1 (1) The Department may refuse to issue or to renew, or may
2 revoke, suspend, place on probation, reprimand or take other
3 disciplinary or non-disciplinary action as the Department may
4 deem proper, including fines not to exceed \$10,000 for each
5 violation, with regard to any license for any one or
6 combination of the following:

7 (a) violation of this Act or its rules;

8 (b) for licensees, conviction or plea of guilty or nolo
9 contendere, finding of guilt, jury verdict, or entry of
10 judgment or sentencing of any crime, including, but not
11 limited to, convictions, preceding sentences of
12 supervision, conditional discharge, or first offender
13 probation, under the laws of any jurisdiction of the United
14 States that is (i) a felony or (ii) a misdemeanor, an
15 essential element of which is dishonesty or that is
16 directly related to the practice of the profession and, for
17 initial applicants, convictions set forth in Section 7.1 of
18 this Act;

19 (c) fraud or any misrepresentation in applying for or
20 procuring a license under this Act, or in connection with
21 applying for renewal of a license under this Act;

22 (d) professional incompetence or gross negligence in
23 the practice of roofing contracting, prima facie evidence
24 of which may be a conviction or judgment in any court of
25 competent jurisdiction against an applicant or licensee
26 relating to the practice of roofing contracting or the

1 construction of a roof or repair thereof that results in
2 leakage within 90 days after the completion of such work;

3 (e) (blank);

4 (f) aiding or assisting another person in violating any
5 provision of this Act or rules;

6 (g) failing, within 60 days, to provide information in
7 response to a written request made by the Department;

8 (h) engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public;

11 (i) habitual or excessive use or abuse of controlled
12 substances, as defined by the Illinois Controlled
13 Substances Act, alcohol, or any other substance that
14 results in the inability to practice with reasonable
15 judgment, skill, or safety;

16 (j) discipline by another state, unit of government, or
17 government agency, the District of Columbia, a territory,
18 or a foreign nation, if at least one of the grounds for the
19 discipline is the same or substantially equivalent to those
20 set forth in this Section;

21 (k) directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership, or association
23 any fee, commission, rebate, or other form of compensation
24 for any professional services not actually or personally
25 rendered;

26 (l) a finding by the Department that the licensee,

1 after having his or her license disciplined, has violated
2 the terms of the discipline;

3 (m) a finding by any court of competent jurisdiction,
4 either within or without this State, of any violation of
5 any law governing the practice of roofing contracting, if
6 the Department determines, after investigation, that such
7 person has not been sufficiently rehabilitated to warrant
8 the public trust;

9 (n) willfully making or filing false records or reports
10 in the practice of roofing contracting, including, but not
11 limited to, false records filed with the State agencies or
12 departments;

13 (o) practicing, attempting to practice, or advertising
14 under a name other than the full name as shown on the
15 license or any other legally authorized name;

16 (p) gross and willful overcharging for professional
17 services including filing false statements for collection
18 of fees or monies for which services are not rendered;

19 (q) (blank);

20 (r) (blank);

21 (s) failure to continue to meet the requirements of
22 this Act shall be deemed a violation;

23 (t) physical or mental disability, including
24 deterioration through the aging process or loss of
25 abilities and skills that result in an inability to
26 practice the profession with reasonable judgment, skill,

1 or safety;

2 (u) material misstatement in furnishing information to
3 the Department or to any other State agency;

4 (v) (blank);

5 (w) advertising in any manner that is false,
6 misleading, or deceptive;

7 (x) taking undue advantage of a customer, which results
8 in the perpetration of a fraud;

9 (y) performing any act or practice that is a violation
10 of the Consumer Fraud and Deceptive Business Practices Act;

11 (z) engaging in the practice of roofing contracting, as
12 defined in this Act, with a suspended, revoked, or
13 cancelled license;

14 (aa) treating any person differently to the person's
15 detriment because of race, color, creed, gender, age,
16 religion, or national origin;

17 (bb) knowingly making any false statement, oral,
18 written, or otherwise, of a character likely to influence,
19 persuade, or induce others in the course of obtaining or
20 performing roofing contracting services;

21 (cc) violation of any final administrative action of
22 the Secretary;

23 (dd) allowing the use of his or her roofing license by
24 an unlicensed roofing contractor for the purposes of
25 providing roofing or waterproofing services; or

26 (ee) (blank);

1 (ff) cheating or attempting to subvert a licensing
2 examination administered under this Act; or

3 (gg) use of a license to permit or enable an unlicensed
4 person to provide roofing contractor services.

5 (2) The determination by a circuit court that a license
6 holder is subject to involuntary admission or judicial
7 admission, as provided in the Mental Health and Developmental
8 Disabilities Code, operates as an automatic suspension. Such
9 suspension will end only upon a finding by a court that the
10 patient is no longer subject to involuntary admission or
11 judicial admission, an order by the court so finding and
12 discharging the patient, and the recommendation of the Board to
13 the Director that the license holder be allowed to resume his
14 or her practice.

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

23 (4) In enforcing this Section, the Department, upon a
24 showing of a possible violation, may compel any individual who
25 is licensed under this Act or any individual who has applied
26 for licensure to submit to a mental or physical examination or

1 evaluation, or both, which may include a substance abuse or
2 sexual offender evaluation, at the expense of the Department.
3 The Department shall specifically designate the examining
4 physician licensed to practice medicine in all of its branches
5 or, if applicable, the multidisciplinary team involved in
6 providing the mental or physical examination and evaluation.
7 The multidisciplinary team shall be led by a physician licensed
8 to practice medicine in all of its branches and may consist of
9 one or more or a combination of physicians licensed to practice
10 medicine in all of its branches, licensed chiropractic
11 physicians, licensed clinical psychologists, licensed clinical
12 social workers, licensed clinical professional counselors, and
13 other professional and administrative staff. Any examining
14 physician or member of the multidisciplinary team may require
15 any person ordered to submit to an examination and evaluation
16 pursuant to this Section to submit to any additional
17 supplemental testing deemed necessary to complete any
18 examination or evaluation process, including, but not limited
19 to, blood testing, urinalysis, psychological testing, or
20 neuropsychological testing.

21 (5) The Department may order the examining physician or any
22 member of the multidisciplinary team to provide to the
23 Department any and all records, including business records,
24 that relate to the examination and evaluation, including any
25 supplemental testing performed. The Department may order the
26 examining physician or any member of the multidisciplinary team

1 to present testimony concerning this examination and
2 evaluation of the licensee or applicant, including testimony
3 concerning any supplemental testing or documents relating to
4 the examination and evaluation. No information, report,
5 record, or other documents in any way related to the
6 examination and evaluation shall be excluded by reason of any
7 common law or statutory privilege relating to communication
8 between the licensee or applicant and the examining physician
9 or any member of the multidisciplinary team. No authorization
10 is necessary from the licensee or applicant ordered to undergo
11 an evaluation and examination for the examining physician or
12 any member of the multidisciplinary team to provide
13 information, reports, records, or other documents or to provide
14 any testimony regarding the examination and evaluation. The
15 individual to be examined may have, at his or her own expense,
16 another physician of his or her choice present during all
17 aspects of the examination.

18 (6) Failure of any individual to submit to mental or
19 physical examination or evaluation, or both, when directed,
20 shall result in an automatic suspension without hearing until
21 such time as the individual submits to the examination. If the
22 Department finds a licensee unable to practice because of the
23 reasons set forth in this Section, the Department shall require
24 the licensee to submit to care, counseling, or treatment by
25 physicians approved or designated by the Department as a
26 condition for continued, reinstated, or renewed licensure.

1 (7) When the Secretary immediately suspends a license under
2 this Section, a hearing upon such person's license must be
3 convened by the Department within 15 days after the suspension
4 and completed without appreciable delay. The Department shall
5 have the authority to review the licensee's record of treatment
6 and counseling regarding the impairment to the extent permitted
7 by applicable federal statutes and regulations safeguarding
8 the confidentiality of medical records.

9 (8) Licensees affected under this Section shall be afforded
10 an opportunity to demonstrate to the Department that they can
11 resume practice in compliance with acceptable and prevailing
12 standards under the provisions of their license.

13 (9) (Blank). ~~The Department shall deny a license or renewal~~
14 ~~authorized by this Act to a person who has defaulted on an~~
15 ~~educational loan or scholarship provided or guaranteed by the~~
16 ~~Illinois Student Assistance Commission or any governmental~~
17 ~~agency of this State in accordance with paragraph (5) of~~
18 ~~subsection (a) of Section 2105.15 of the Department of~~
19 ~~Professional Regulation Law of the Civil Administrative Code of~~
20 ~~Illinois.~~

21 (10) In cases where the Department of Healthcare and Family
22 Services has previously determined a licensee or a potential
23 licensee is more than 30 days delinquent in the payment of
24 child support and has subsequently certified the delinquency to
25 the Department, the Department may refuse to issue or renew or
26 may revoke or suspend that person's license or may take other

1 disciplinary action against that person based solely upon the
2 certification of delinquency made by the Department of
3 Healthcare and Family Services in accordance with paragraph (5)
4 of subsection (a) of Section 2105-15 of the Department of
5 Professional Regulation Law of the Civil Administrative Code of
6 Illinois.

7 The changes to this Act made by this amendatory Act of 1997
8 apply only to disciplinary actions relating to events occurring
9 after the effective date of this amendatory Act of 1997.

10 (Source: P.A. 99-469, eff. 8-26-15; 99-876, eff. 1-1-17.)

11 Section 825. The Structural Engineering Practice Act of
12 1989 is amended by changing Section 20 as follows:

13 (225 ILCS 340/20) (from Ch. 111, par. 6620)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 20. Refusal; revocation; suspension.

16 (a) The Department may refuse to issue or renew, or may
17 revoke a license, or may suspend, place on probation, fine, or
18 take any disciplinary or non-disciplinary action as the
19 Department may deem proper, including a fine not to exceed
20 \$10,000 for each violation, with regard to any licensee for any
21 one or combination of the following reasons:

22 (1) Material misstatement in furnishing information to
23 the Department;

24 (2) Negligence, incompetence or misconduct in the

1 practice of structural engineering;

2 (3) Making any misrepresentation for the purpose of
3 obtaining licensure;

4 (4) The affixing of a licensed structural engineer's
5 seal to any plans, specifications or drawings which have
6 not been prepared by or under the immediate personal
7 supervision of that licensed structural engineer or
8 reviewed as provided in this Act;

9 (5) Conviction of, or entry of a plea of guilty or nolo
10 contendere to, any crime that is a felony under the laws of
11 the United States or of any state or territory thereof, or
12 that is a misdemeanor an essential element of which is
13 dishonesty, or any crime that is directly related to the
14 practice of the profession;

15 (6) Making a statement of compliance pursuant to the
16 Environmental Barriers Act, as now or hereafter amended,
17 that a plan for construction or alteration of a public
18 facility or for construction of a multi-story housing unit
19 is in compliance with the Environmental Barriers Act when
20 such plan is not in compliance;

21 (7) Failure to comply with any of the provisions of
22 this Act or its rules;

23 (8) Aiding or assisting another person in violating any
24 provision of this Act or its rules;

25 (9) Engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public, as defined by rule;

2 (10) Habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in the inability to practice with reasonable
5 judgment, skill, or safety;

6 (11) Failure of an applicant or licensee to pay a fine
7 imposed by the Department or a licensee whose license has
8 been placed on probationary status has violated the terms
9 of probation;

10 (12) Discipline by another state, territory, foreign
11 country, the District of Columbia, the United States
12 government, or any other governmental agency, if at least
13 one of the grounds for discipline is the same or
14 substantially equivalent to those set forth in this
15 Section;

16 (13) Failure to provide information in response to a
17 written request made by the Department within 30 days after
18 the receipt of such written request; or

19 (14) Physical illness, including but not limited to,
20 deterioration through the aging process or loss of motor
21 skill, mental illness, or disability which results in the
22 inability to practice the profession of structural
23 engineering with reasonable judgment, skill, or safety.

24 (a-5) In enforcing this Section, the Department or Board,
25 upon a showing of a possible violation, may order a licensee or
26 applicant to submit to a mental or physical examination, or

1 both, at the expense of the Department. The Department or Board
2 may order the examining physician to present testimony
3 concerning his or her examination of the licensee or applicant.
4 No information shall be excluded by reason of any common law or
5 statutory privilege relating to communications between the
6 licensee or applicant and the examining physician. The
7 examining physicians shall be specifically designated by the
8 Board or Department. The licensee or applicant may have, at his
9 or her own expense, another physician of his or her choice
10 present during all aspects of the examination. Failure of a
11 licensee or applicant to submit to any such examination when
12 directed, without reasonable cause as defined by rule, shall be
13 grounds for either the immediate suspension of his or her
14 license or immediate denial of his or her application.

15 If the Secretary immediately suspends the license of a
16 licensee for his or her failure to submit to a mental or
17 physical examination when directed, a hearing must be convened
18 by the Department within 15 days after the suspension and
19 completed without appreciable delay.

20 If the Secretary otherwise suspends a license pursuant to
21 the results of the licensee's mental or physical examination, a
22 hearing must be convened by the Department within 15 days after
23 the suspension and completed without appreciable delay. The
24 Department and Board shall have the authority to review the
25 licensee's record of treatment and counseling regarding the
26 relevant impairment or impairments to the extent permitted by

1 applicable federal statutes and regulations safeguarding the
2 confidentiality of medical records.

3 Any licensee suspended under this subsection (a-5) shall be
4 afforded an opportunity to demonstrate to the Department or
5 Board that he or she can resume practice in compliance with the
6 acceptable and prevailing standards under the provisions of his
7 or her license.

8 (b) The determination by a circuit court that a licensee is
9 subject to involuntary admission or judicial admission, as
10 provided in the Mental Health and Developmental Disabilities
11 Code, operates as an automatic suspension. Such suspension will
12 end only upon a finding by a court that the patient is no
13 longer subject to involuntary admission or judicial admission,
14 the issuance of an order so finding and discharging the
15 patient, and the recommendation of the Board to the Secretary
16 that the licensee be allowed to resume practice.

17 (c) (Blank). ~~The Department shall deny a license or renewal~~
18 ~~authorized by this Act to a person who has defaulted on an~~
19 ~~educational loan or scholarship provided or guaranteed by the~~
20 ~~Illinois Student Assistance Commission or any governmental~~
21 ~~agency of this State in accordance with subdivision (a) (5) of~~
22 ~~Section 2105-15 of the Department of Professional Regulation~~
23 ~~Law of the Civil Administrative Code of Illinois.~~

24 (d) In cases where the Department of Healthcare and Family
25 Services (formerly the Department of Public Aid) has previously
26 determined that a licensee or a potential licensee is more than

1 30 days delinquent in the payment of child support and has
2 subsequently certified the delinquency to the Department, the
3 Department shall refuse to issue or renew or shall revoke or
4 suspend that person's license or shall take other disciplinary
5 action against that person based solely upon the certification
6 of delinquency made by the Department of Healthcare and Family
7 Services in accordance with subdivision (a)(5) of Section
8 2105-15 of the Department of Professional Regulation Law of the
9 Civil Administrative Code of Illinois.

10 (e) The Department shall deny a license or renewal
11 authorized by this Act to a person who has failed to file a
12 return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay any final assessment of tax, penalty, or
14 interest as required by any tax Act administered by the
15 Department of Revenue, until such time as the requirements of
16 the tax Act are satisfied in accordance with subsection (g) of
17 Section 2105-15 of the Department of Professional Regulation
18 Law of the Civil Administrative Code of Illinois.

19 (f) Persons who assist the Department as consultants or
20 expert witnesses in the investigation or prosecution of alleged
21 violations of the Act, licensure matters, restoration
22 proceedings, or criminal prosecutions, are not liable for
23 damages in any civil action or proceeding as a result of such
24 assistance, except upon proof of actual malice. The Attorney
25 General of the State of Illinois shall defend such persons in
26 any such action or proceeding.

1 (Source: P.A. 98-756, eff. 7-16-14.)

2 Section 830. The Auction License Act is amended by changing
3 Section 20-20 as follows:

4 (225 ILCS 407/20-20)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 20-20. Termination without hearing for failure to pay
7 taxes or ~~7~~ child support, ~~or a student loan~~. The Department may
8 terminate or otherwise discipline any license issued under this
9 Act without hearing if the appropriate administering agency
10 provides adequate information and proof that the licensee has:

11 (1) failed to file a return, to pay the tax, penalty,
12 or interest shown in a filed return, or to pay any final
13 assessment of tax, penalty, or interest, as required by any
14 tax act administered by the Illinois Department of Revenue
15 until the requirements of the tax act are satisfied;

16 (2) failed to pay any court ordered child support as
17 determined by a court order or by referral from the
18 Department of Healthcare and Family Services (formerly
19 Illinois Department of Public Aid); or

20 (3) (blank). ~~failed to repay any student loan or~~
21 ~~assistance as determined by the Illinois Student~~
22 ~~Assistance Commission.~~

23 If a license is terminated or otherwise disciplined
24 pursuant to this Section, the licensee may request a hearing as

1 provided by this Act within 30 days of notice of termination or
2 discipline.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-572, eff. 6-1-08.)

4 Section 835. The Barber, Cosmetology, Esthetics, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 changing Section 4-7 as follows:

7 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 4-7. Refusal, suspension and revocation of licenses;
10 causes; disciplinary action.

11 (1) The Department may refuse to issue or renew, and may
12 suspend, revoke, place on probation, reprimand or take any
13 other disciplinary or non-disciplinary action as the
14 Department may deem proper, including civil penalties not to
15 exceed \$500 for each violation, with regard to any license for
16 any one, or any combination, of the following causes:

17 a. For licensees, conviction of any crime under the
18 laws of the United States or any state or territory thereof
19 that is (i) a felony, (ii) a misdemeanor, an essential
20 element of which is dishonesty, or (iii) a crime which is
21 related to the practice of the profession and, for initial
22 applicants, convictions set forth in Section 4-6.1 of this
23 Act.

24 b. Conviction of any of the violations listed in

1 Section 4-20.

2 c. Material misstatement in furnishing information to
3 the Department.

4 d. Making any misrepresentation for the purpose of
5 obtaining a license or violating any provision of this Act
6 or its rules.

7 e. Aiding or assisting another person in violating any
8 provision of this Act or its rules.

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

11 g. Discipline by another state, territory, or country
12 if at least one of the grounds for the discipline is the
13 same as or substantially equivalent to those set forth in
14 this Act.

15 h. Practice in the barber, nail technology, esthetics,
16 hair braiding, or cosmetology profession, or an attempt to
17 practice in those professions, by fraudulent
18 misrepresentation.

19 i. Gross malpractice or gross incompetency.

20 j. Continued practice by a person knowingly having an
21 infectious or contagious disease.

22 k. Solicitation of professional services by using
23 false or misleading advertising.

24 l. A finding by the Department that the licensee, after
25 having his or her license placed on probationary status,
26 has violated the terms of probation.

1 m. Directly or indirectly giving to or receiving from
2 any person, firm, corporation, partnership or association
3 any fee, commission, rebate, or other form of compensation
4 for any professional services not actually or personally
5 rendered.

6 n. Violating any of the provisions of this Act or rules
7 adopted pursuant to this Act.

8 o. Willfully making or filing false records or reports
9 relating to a licensee's practice, including but not
10 limited to, false records filed with State agencies or
11 departments.

12 p. Habitual or excessive use or addiction to alcohol,
13 narcotics, stimulants, or any other chemical agent or drug
14 that results in the inability to practice with reasonable
15 judgment, skill or safety.

16 q. Engaging in dishonorable, unethical or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public as may be defined by rules of
19 the Department, or violating the rules of professional
20 conduct which may be adopted by the Department.

21 r. Permitting any person to use for any unlawful or
22 fraudulent purpose one's diploma or license or certificate
23 of registration as a cosmetologist, nail technician,
24 esthetician, hair braider, or barber or cosmetology, nail
25 technology, esthetics, hair braiding, or barber teacher or
26 salon or shop or cosmetology clinic teacher.

1 s. Being named as a perpetrator in an indicated report
2 by the Department of Children and Family Services under the
3 Abused and Neglected Child Reporting Act and upon proof by
4 clear and convincing evidence that the licensee has caused
5 a child to be an abused child or neglected child as defined
6 in the Abused and Neglected Child Reporting Act.

7 t. Operating a salon or shop without a valid
8 registration.

9 u. Failure to complete required continuing education
10 hours.

11 (2) In rendering an order, the Secretary shall take into
12 consideration the facts and circumstances involving the type of
13 acts or omissions in paragraph (1) of this Section including,
14 but not limited to:

15 (a) the extent to which public confidence in the
16 cosmetology, nail technology, esthetics, hair braiding, or
17 barbering profession was, might have been, or may be,
18 injured;

19 (b) the degree of trust and dependence among the
20 involved parties;

21 (c) the character and degree of harm which did result
22 or might have resulted;

23 (d) the intent or mental state of the licensee at the
24 time of the acts or omissions.

25 (3) The Department may reissue the license or registration
26 upon certification by the Board that the disciplined licensee

1 or registrant has complied with all of the terms and conditions
2 set forth in the final order or has been sufficiently
3 rehabilitated to warrant the public trust.

4 (4) The Department shall refuse to issue or renew or
5 suspend without hearing the license or certificate of
6 registration of any person who fails to file a return, or to
7 pay the tax, penalty or interest shown in a filed return, or to
8 pay any final assessment of tax, penalty or interest, as
9 required by any tax Act administered by the Illinois Department
10 of Revenue, until such time as the requirements of any such tax
11 Act are satisfied as determined by the Department of Revenue.

12 (5) (Blank). ~~The Department shall deny without hearing any~~
13 ~~application for a license or renewal of a license under this~~
14 ~~Act by a person who has defaulted on an educational loan~~
15 ~~guaranteed by the Illinois Student Assistance Commission;~~
16 ~~however, the Department may issue or renew a license if the~~
17 ~~person in default has established a satisfactory repayment~~
18 ~~record as determined by the Illinois Student Assistance~~
19 ~~Commission.~~

20 (6) All fines imposed under this Section shall be paid
21 within 60 days after the effective date of the order imposing
22 the fine or in accordance with the terms set forth in the order
23 imposing the fine.

24 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15;
25 99-876, eff. 1-1-17.)

1 Section 840. The Electrologist Licensing Act is amended by
2 changing Section 75 as follows:

3 (225 ILCS 412/75)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 75. Grounds for discipline.

6 (a) The Department may refuse to issue or renew and may
7 revoke or suspend a license under this Act, and may place on
8 probation, reprimand, or take other disciplinary or
9 non-disciplinary action with regard to any licensee under this
10 Act, as the Department may consider appropriate, including
11 imposing fines not to exceed \$10,000 for each violation and
12 assess costs as provided for under Section 95 of this Act, for
13 one or any combination of the following causes:

14 (1) Material misstatement in furnishing information to
15 the Department.

16 (2) Violation of this Act or rules adopted under this
17 Act.

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

1 electrology.

2 (4) Fraud or misrepresentation in applying for or
3 procuring a license under this Act, or in connection with
4 applying for renewal of a license under this Act.

5 (5) Aiding or assisting another person in violating any
6 provision of this Act or its rules.

7 (6) Failing to provide information within 60 days in
8 response to a written request made by the Department.

9 (7) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public.

12 (8) Habitual or excessive use or abuse of drugs defined
13 in law as controlled substances, alcohol, or any other
14 substance that results in an electrologist's inability to
15 practice with reasonable judgment, skill, or safety.

16 (9) Discipline by another governmental agency, unit of
17 government, U.S. jurisdiction, or foreign nation if at
18 least one of the grounds for discipline is the same as or
19 substantially equivalent to any of those set forth in this
20 Act.

21 (10) Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership, or association
23 any fee, commission, rebate, or other form of compensation
24 for any professional services not actually or personally
25 rendered. Nothing in this paragraph (10) affects any bona
26 fide independent contractor or employment arrangements

1 among health care professionals, health facilities, health
2 care providers, or other entities, except as otherwise
3 prohibited by law. Any employment arrangements with health
4 care providers may include provisions for compensation,
5 health insurance, pension, or other employment benefits
6 for the provision of services within the scope of the
7 licensee's practice under this Act. Nothing in this
8 paragraph (10) shall be construed to require an employment
9 arrangement to receive professional fees for services
10 rendered.

11 (11) A finding by the Department that the licensee,
12 after having his or her license placed on probationary
13 status, has violated the terms of probation.

14 (12) Abandonment of a patient.

15 (13) Willfully making or filing false records or
16 reports in the licensee's practice, including, but not
17 limited to, false records filed with State agencies or
18 departments.

19 (14) Mental or physical illness or disability,
20 including, but not limited to, deterioration through the
21 aging process or loss of motor skill that results in the
22 inability to practice the profession with reasonable
23 judgment, skill, or safety.

24 (15) Negligence in his or her practice under this Act.

25 (16) Use of fraud, deception, or any unlawful means in
26 applying for and securing a license as an electrologist.

1 (17) Immoral conduct in the commission of any act, such
2 as sexual abuse, sexual misconduct, or sexual
3 exploitation, related to the licensee's practice.

4 (18) Failure to comply with standards of sterilization
5 and sanitation as defined in the rules of the Department.

6 (19) Charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered.

9 (20) Allowing one's license under this Act to be used
10 by an unlicensed person in violation of this Act.

11 (b) The Department may refuse to issue or renew or may
12 suspend without hearing the license of any person who fails to
13 file a return, to pay the tax, penalty or interest shown in a
14 filed return, or to pay any final assessment of the tax,
15 penalty, or interest as required by any tax Act administered by
16 the Illinois Department of Revenue until the requirements of
17 the tax Act are satisfied in accordance with subsection (g) of
18 Section 2105-15 of the Department of Professional Regulation
19 Law of the Civil Administrative Code of Illinois.

20 (c) The determination by a circuit court that a licensee is
21 subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code operates as an automatic suspension. The suspension will
24 end only upon a finding by a court that the patient is no
25 longer subject to involuntary admission or judicial admission,
26 the issuance of an order so finding and discharging the

1 patient, and the filing of a petition for restoration
2 demonstrating fitness to practice.

3 (d) In enforcing this Section, the Department, upon a
4 showing of a possible violation, may compel any individual who
5 is licensed to practice under this Act or any individual who
6 has applied for licensure to submit to a mental or physical
7 examination and evaluation, or both, that may include a
8 substance abuse or sexual offender evaluation, at the expense
9 of the Department. The Department shall specifically designate
10 the examining physician licensed to practice medicine in all of
11 its branches or, if applicable, the multidisciplinary team
12 involved in providing the mental or physical examination and
13 evaluation, or both. The multidisciplinary team shall be led by
14 a physician licensed to practice medicine in all of its
15 branches and may consist of one or more or a combination of
16 physicians licensed to practice medicine in all of its
17 branches, licensed chiropractic physicians, licensed clinical
18 psychologists, licensed clinical social workers, licensed
19 clinical professional counselors, and other professional and
20 administrative staff. Any examining physician or member of the
21 multidisciplinary team may require any person ordered to submit
22 to an examination and evaluation pursuant to this Section to
23 submit to any additional supplemental testing deemed necessary
24 to complete any examination or evaluation process, including,
25 but not limited to, blood testing, urinalysis, psychological
26 testing, or neuropsychological testing.

1 The Department may order the examining physician or any
2 member of the multidisciplinary team to provide to the
3 Department any and all records, including business records,
4 that relate to the examination and evaluation, including any
5 supplemental testing performed. The Department may order the
6 examining physician or any member of the multidisciplinary team
7 to present testimony concerning this examination and
8 evaluation of the licensee, permit holder, or applicant,
9 including testimony concerning any supplemental testing or
10 documents relating to the examination and evaluation. No
11 information, report, record, or other documents in any way
12 related to the examination and evaluation shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communication between the licensee or applicant and the
15 examining physician or any member of the multidisciplinary
16 team. No authorization is necessary from the licensee or
17 applicant ordered to undergo an evaluation and examination for
18 the examining physician or any member of the multidisciplinary
19 team to provide information, reports, records, or other
20 documents or to provide any testimony regarding the examination
21 and evaluation. The individual to be examined may have, at his
22 or her own expense, another physician of his or her choice
23 present during all aspects of the examination.

24 Failure of any individual to submit to mental or physical
25 examination and evaluation, or both, when directed, shall
26 result in an automatic suspension without hearing, until such

1 time as the individual submits to the examination. If the
2 Department finds a licensee unable to practice because of the
3 reasons set forth in this Section, the Department shall require
4 the licensee to submit to care, counseling, or treatment by
5 physicians approved or designated by the Department as a
6 condition for continued, reinstated, or renewed licensure to
7 practice.

8 When the Secretary immediately suspends a license under
9 this Section, a hearing upon the person's license must be
10 convened by the Department within 15 days after the suspension
11 and completed without appreciable delay. The Department shall
12 have the authority to review the licensee's record of treatment
13 and counseling regarding the impairment to the extent permitted
14 by applicable federal statutes and regulations safeguarding
15 the confidentiality of medical records.

16 Individuals licensed under this Act affected under this
17 Section shall be afforded an opportunity to demonstrate to the
18 Department that they can resume practice in compliance with
19 acceptable and prevailing standards under the provisions of
20 their license.

21 (e) (Blank). ~~The Department shall deny a license or renewal~~
22 ~~authorized by this Act to a person who has defaulted on an~~
23 ~~educational loan or scholarship provided or guaranteed by the~~
24 ~~Illinois Student Assistance Commission or any governmental~~
25 ~~agency of this State in accordance with item (5) of subsection~~
26 ~~(a) of Section 2105 15 of the Department of Professional~~

1 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

2 (f) In cases where the Department of Healthcare and Family
3 Services has previously determined a licensee or a potential
4 licensee is more than 30 days delinquent in the payment of
5 child support and has subsequently certified the delinquency to
6 the Department, the Department may refuse to issue or renew or
7 may revoke or suspend that person's license or may take other
8 disciplinary action against that person based solely upon the
9 certification of delinquency made by the Department of
10 Healthcare and Family Services in accordance with item (5) of
11 subsection (a) of Section 2105-15 of the Department of
12 Professional Regulation Law of the Civil Administrative Code of
13 Illinois.

14 (g) All fines or costs imposed under this Section shall be
15 paid within 60 days after the effective date of the order
16 imposing the fine or costs or in accordance with the terms set
17 forth in the order imposing the fine.

18 (Source: P.A. 98-363, eff. 8-16-13.)

19 Section 845. The Illinois Certified Shorthand Reporters
20 Act of 1984 is amended by changing Section 23 as follows:

21 (225 ILCS 415/23) (from Ch. 111, par. 6223)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 23. Grounds for disciplinary action.

24 (a) The Department may refuse to issue or renew, or may

1 revoke, suspend, place on probation, reprimand or take other
2 disciplinary or non-disciplinary action as the Department may
3 deem appropriate, including imposing fines not to exceed
4 \$10,000 for each violation and the assessment of costs as
5 provided for in Section 23.3 of this Act, with regard to any
6 license for any one or combination of the following:

7 (1) Material misstatement in furnishing information to
8 the Department;

9 (2) Violations of this Act, or of the rules promulgated
10 thereunder;

11 (3) Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing of any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation under
16 the laws of any jurisdiction of the United States: (i) that
17 is a felony or (ii) that is a misdemeanor, an essential
18 element of which is dishonesty, or that is directly related
19 to the practice of the profession;

20 (4) Fraud or any misrepresentation in applying for or
21 procuring a license under this Act or in connection with
22 applying for renewal of a license under this Act;

23 (5) Professional incompetence;

24 (6) Aiding or assisting another person, firm,
25 partnership or corporation in violating any provision of
26 this Act or rules;

1 (7) Failing, within 60 days, to provide information in
2 response to a written request made by the Department;

3 (8) Engaging in dishonorable, unethical or
4 unprofessional conduct of a character likely to deceive,
5 defraud or harm the public;

6 (9) Habitual or excessive use or abuse of drugs defined
7 in law as controlled substances, alcohol, or any other
8 substances that results in the inability to practice with
9 reasonable judgment, skill, or safety;

10 (10) Discipline by another state, unit of government,
11 government agency, the District of Columbia, a territory,
12 or foreign nation, if at least one of the grounds for the
13 discipline is the same or substantially equivalent to those
14 set forth herein;

15 (11) Charging for professional services not rendered,
16 including filing false statements for the collection of
17 fees for which services were not rendered, or giving,
18 directly or indirectly, any gift or anything of value to
19 attorneys or their staff or any other persons or entities
20 associated with any litigation, that exceeds \$100 total per
21 year; for the purposes of this Section, pro bono services,
22 as defined by State law, are permissible in any amount;

23 (12) A finding by the Board that the certificate
24 holder, after having his certificate placed on
25 probationary status, has violated the terms of probation;

26 (13) Willfully making or filing false records or

1 reports in the practice of shorthand reporting, including
2 but not limited to false records filed with State agencies
3 or departments;

4 (14) Physical illness, including but not limited to,
5 deterioration through the aging process, or loss of motor
6 skill which results in the inability to practice under this
7 Act with reasonable judgment, skill or safety;

8 (15) Solicitation of professional services other than
9 by permitted advertising;

10 (16) Willful failure to take full and accurate
11 stenographic notes of any proceeding;

12 (17) Willful alteration of any stenographic notes
13 taken at any proceeding;

14 (18) Willful failure to accurately transcribe verbatim
15 any stenographic notes taken at any proceeding;

16 (19) Willful alteration of a transcript of
17 stenographic notes taken at any proceeding;

18 (20) Affixing one's signature to any transcript of his
19 stenographic notes or certifying to its correctness unless
20 the transcript has been prepared by him or under his
21 immediate supervision;

22 (21) Willful failure to systematically retain
23 stenographic notes or transcripts on paper or any
24 electronic media for 10 years from the date that the notes
25 or transcripts were taken;

26 (22) Failure to deliver transcripts in a timely manner

1 or in accordance with contractual agreements;

2 (23) Establishing contingent fees as a basis of
3 compensation;

4 (24) Mental illness or disability that results in the
5 inability to practice under this Act with reasonable
6 judgment, skill, or safety;

7 (25) Practicing under a false or assumed name, except
8 as provided by law;

9 (26) Cheating on or attempting to subvert the licensing
10 examination administered under this Act;

11 (27) Allowing one's license under this Act to be used
12 by an unlicensed person in violation of this Act.

13 All fines imposed under this Section shall be paid within
14 60 days after the effective date of the order imposing the fine
15 or in accordance with the terms set forth in the order imposing
16 the fine.

17 (b) The determination by a circuit court that a certificate
18 holder is subject to involuntary admission or judicial
19 admission as provided in the Mental Health and Developmental
20 Disabilities Code, operates as an automatic suspension. Such
21 suspension will end only upon a finding by a court that the
22 patient is no longer subject to involuntary admission or
23 judicial admission, an order by the court so finding and
24 discharging the patient. In any case where a license is
25 suspended under this Section, the licensee may file a petition
26 for restoration and shall include evidence acceptable to the

1 Department that the licensee can resume practice in compliance
2 with acceptable and prevailing standards of the profession.

3 (c) In cases where the Department of Healthcare and Family
4 Services has previously determined a licensee or a potential
5 licensee is more than 30 days delinquent in the payment of
6 child support and has subsequently certified the delinquency to
7 the Department, the Department may refuse to issue or renew or
8 may revoke or suspend that person's license or may take other
9 disciplinary action against that person based solely upon the
10 certification of delinquency made by the Department of
11 Healthcare and Family Services in accordance with item (5) of
12 subsection (a) of Section 2105-15 of the Civil Administrative
13 Code of Illinois.

14 (d) In enforcing this Section, the Department, upon a
15 showing of a possible violation, may compel any individual who
16 is certified under this Act or any individual who has applied
17 for certification under this Act to submit to a mental or
18 physical examination and evaluation, or both, which may include
19 a substance abuse or sexual offender evaluation, at the expense
20 of the Department. The Department shall specifically designate
21 the examining physician licensed to practice medicine in all of
22 its branches or, if applicable, the multidisciplinary team
23 involved in providing the mental or physical examination and
24 evaluation, or both. The multidisciplinary team shall be led by
25 a physician licensed to practice medicine in all of its
26 branches and may consist of one or more or a combination of

1 physicians licensed to practice medicine in all of its
2 branches, licensed chiropractic physicians, licensed clinical
3 psychologists, licensed clinical social workers, licensed
4 clinical professional counselors, and other professional and
5 administrative staff. Any examining physician or member of the
6 multidisciplinary team may require any person ordered to submit
7 to an examination and evaluation pursuant to this Section to
8 submit to any additional supplemental testing deemed necessary
9 to complete any examination or evaluation process, including,
10 but not limited to, blood testing, urinalysis, psychological
11 testing, or neuropsychological testing.

12 The Department may order the examining physician or any
13 member of the multidisciplinary team to provide to the
14 Department any and all records, including business records,
15 that relate to the examination and evaluation, including any
16 supplemental testing performed. The Department may order the
17 examining physician or any member of the multidisciplinary team
18 to present testimony concerning this examination and
19 evaluation of the certified shorthand reporter or applicant,
20 including testimony concerning any supplemental testing or
21 documents relating to the examination and evaluation. No
22 information, report, record, or other documents in any way
23 related to the examination and evaluation shall be excluded by
24 reason of any common law or statutory privilege relating to
25 communication between the licensee or applicant and the
26 examining physician or any member of the multidisciplinary

1 team. No authorization is necessary from the certified
2 shorthand reporter or applicant ordered to undergo an
3 evaluation and examination for the examining physician or any
4 member of the multidisciplinary team to provide information,
5 reports, records, or other documents or to provide any
6 testimony regarding the examination and evaluation. The
7 individual to be examined may have, at his or her own expense,
8 another physician of his or her choice present during all
9 aspects of the examination.

10 Failure of any individual to submit to mental or physical
11 examination and evaluation, or both, when directed, shall
12 result in an automatic suspension, without hearing, until such
13 time as the individual submits to the examination. If the
14 Department finds a certified shorthand reporter unable to
15 practice because of the reasons set forth in this Section, the
16 Department shall require the certified shorthand reporter to
17 submit to care, counseling, or treatment by physicians approved
18 or designated by the Department, as a condition for continued,
19 reinstated, or renewed certification.

20 When the Secretary immediately suspends a certificate
21 under this Section, a hearing upon the person's certificate
22 must be convened by the Department within 15 days after the
23 suspension and completed without appreciable delay. The
24 Department shall have the authority to review the certified
25 shorthand reporter's record of treatment and counseling
26 regarding the impairment, to the extent permitted by applicable

1 federal statutes and regulations safeguarding the
2 confidentiality of medical records.

3 Individuals certified under this Act, affected under this
4 Section, shall be afforded an opportunity to demonstrate to the
5 Department that they can resume practice in compliance with
6 acceptable and prevailing standards under the provisions of
7 their certification.

8 (e) (Blank). ~~The Department shall deny a license or renewal~~
9 ~~authorized by this Act to a person who has defaulted on an~~
10 ~~educational loan or scholarship provided or guaranteed by the~~
11 ~~Illinois Student Assistance Commission or any governmental~~
12 ~~agency of this State in accordance with item (5) of subsection~~
13 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
14 ~~Illinois.~~

15 (f) The Department may refuse to issue or may suspend
16 without hearing, as provided for in the Code of Civil
17 Procedure, the license of any person who fails to file a
18 return, to pay the tax, penalty, or interest shown in a filed
19 return, or to pay any final assessment of tax, penalty, or
20 interest as required by any tax Act administered by the
21 Illinois Department of Revenue, until such time as the
22 requirements of any such tax Act are satisfied in accordance
23 with subsection (g) of Section 2105-15 of the Civil
24 Administrative Code of Illinois.

25 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

1 Section 850. The Collection Agency Act is amended by
2 changing Section 9 as follows:

3 (225 ILCS 425/9) (from Ch. 111, par. 2012)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 9. Disciplinary actions.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand or take other
8 disciplinary or non-disciplinary action as the Department may
9 deem proper, including fines not to exceed \$10,000 per
10 violation, for any one or any combination of the following
11 causes:

12 (1) Material misstatement in furnishing information to
13 the Department.

14 (2) Violations of this Act or of the rules promulgated
15 hereunder.

16 (3) Conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or by
18 sentencing of any crime, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation of the
21 collection agency or any of the officers or owners of more
22 than 10% interest of the agency of any crime under the laws
23 of any U.S. jurisdiction that (i) is a felony, (ii) is a
24 misdemeanor, an essential element of which is dishonesty,
25 or (iii) is directly related to the practice of a

1 collection agency.

2 (4) Fraud or misrepresentation in applying for, or
3 procuring, a license under this Act or in connection with
4 applying for renewal of a license under this Act.

5 (5) Aiding or assisting another person in violating any
6 provision of this Act or rules adopted under this Act.

7 (6) Failing, within 60 days, to provide information in
8 response to a written request made by the Department.

9 (7) Habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants or any other chemical agent or drug
11 which results in the inability to practice with reasonable
12 judgment, skill, or safety by any of the officers or owners
13 of 10% or more interest of a collection agency.

14 (8) Discipline by another state, the District of
15 Columbia, a territory of the United States, or a foreign
16 nation, if at least one of the grounds for the discipline
17 is the same or substantially equivalent to those set forth
18 in this Act.

19 (9) A finding by the Department that the licensee,
20 after having his license placed on probationary status, has
21 violated the terms of probation.

22 (10) Willfully making or filing false records or
23 reports in his or her practice, including, but not limited
24 to, false records filed with State agencies or departments.

25 (11) Practicing or attempting to practice under a false
26 or, except as provided by law, an assumed name.

1 (12) A finding by the Federal Trade Commission that a
2 licensee violated the federal Fair Debt Collection
3 Practices Act or its rules.

4 (13) Failure to file a return, or to pay the tax,
5 penalty or interest shown in a filed return, or to pay any
6 final assessment of tax, penalty or interest, as required
7 by any tax Act administered by the Illinois Department of
8 Revenue until such time as the requirements of any such tax
9 Act are satisfied.

10 (14) Using or threatening to use force or violence to
11 cause physical harm to a debtor, his or her family or his
12 or her property.

13 (15) Threatening to instigate an arrest or criminal
14 prosecution where no basis for a criminal complaint
15 lawfully exists.

16 (16) Threatening the seizure, attachment or sale of a
17 debtor's property where such action can only be taken
18 pursuant to court order without disclosing that prior court
19 proceedings are required.

20 (17) Disclosing or threatening to disclose information
21 adversely affecting a debtor's reputation for credit
22 worthiness with knowledge the information is false.

23 (18) Initiating or threatening to initiate
24 communication with a debtor's employer unless there has
25 been a default of the payment of the obligation for at
26 least 30 days and at least 5 days prior written notice, to

1 the last known address of the debtor, of the intention to
2 communicate with the employer has been given to the
3 employee, except as expressly permitted by law or court
4 order.

5 (19) Communicating with the debtor or any member of
6 the debtor's family at such a time of day or night and with
7 such frequency as to constitute harassment of the debtor or
8 any member of the debtor's family. For purposes of this
9 Section the following conduct shall constitute harassment:

10 (A) Communicating with the debtor or any member of
11 his or her family in connection with the collection of
12 any debt without the prior consent of the debtor given
13 directly to the debt collector, or the express
14 permission of a court of competent jurisdiction, at any
15 unusual time or place or a time or place known or which
16 should be known to be inconvenient to the debtor. In
17 the absence of knowledge of circumstances to the
18 contrary, a debt collector shall assume that the
19 convenient time for communicating with a consumer is
20 after 8 o'clock a.m. and before 9 o'clock p.m. local
21 time at the debtor's location.

22 (B) The threat of publication or publication of a
23 list of consumers who allegedly refuse to pay debts,
24 except to a consumer reporting agency.

25 (C) The threat of advertisement or advertisement
26 for sale of any debt to coerce payment of the debt.

1 (D) Causing a telephone to ring or engaging any
2 person in telephone conversation repeatedly or
3 continuously with intent to annoy, abuse, or harass any
4 person at the called number.

5 (20) Using profane, obscene or abusive language in
6 communicating with a debtor, his or her family or others.

7 (21) Disclosing or threatening to disclose information
8 relating to a debtor's debt to any other person except
9 where such other person has a legitimate business need for
10 the information or except where such disclosure is
11 permitted by law.

12 (22) Disclosing or threatening to disclose information
13 concerning the existence of a debt which the collection
14 agency knows to be disputed by the debtor without
15 disclosing the fact that the debtor disputes the debt.

16 (23) Engaging in any conduct that is intended to cause
17 and did cause mental or physical illness to the debtor or
18 his or her family.

19 (24) Attempting or threatening to enforce a right or
20 remedy with knowledge or reason to know that the right or
21 remedy does not exist.

22 (25) Failing to disclose to the debtor or his or her
23 family the corporate, partnership or proprietary name, or
24 other trade or business name, under which the collection
25 agency is engaging in debt collections and which he or she
26 is legally authorized to use.

1 (26) Using any form of communication which simulates
2 legal or judicial process or which gives the appearance of
3 being authorized, issued or approved by a governmental
4 agency or official or by an attorney at law when it is not.

5 (27) Using any badge, uniform, or other indicia of any
6 governmental agency or official except as authorized by
7 law.

8 (28) Conducting business under any name or in any
9 manner which suggests or implies that the collection agency
10 is a branch of or is affiliated in any way with a
11 governmental agency or court if such collection agency is
12 not.

13 (29) Failing to disclose, at the time of making any
14 demand for payment, the name of the person to whom the debt
15 is owed and at the request of the debtor, the address where
16 payment is to be made and the address of the person to whom
17 the debt is owed.

18 (30) Misrepresenting the amount of the debt alleged to
19 be owed.

20 (31) Representing that an existing debt may be
21 increased by the addition of attorney's fees,
22 investigation fees or any other fees or charges when such
23 fees or charges may not legally be added to the existing
24 debt.

25 (32) Representing that the collection agency is an
26 attorney at law or an agent for an attorney if he or she is

1 not.

2 (33) Collecting or attempting to collect any interest
3 or other charge or fee in excess of the actual debt unless
4 such interest or other charge or fee is expressly
5 authorized by the agreement creating the debt unless
6 expressly authorized by law or unless in a commercial
7 transaction such interest or other charge or fee is
8 expressly authorized in a subsequent agreement. If a
9 contingency or hourly fee arrangement (i) is established
10 under an agreement between a collection agency and a
11 creditor to collect a debt and (ii) is paid by a debtor
12 pursuant to a contract between the debtor and the creditor,
13 then that fee arrangement does not violate this Section
14 unless the fee is unreasonable. The Department shall
15 determine what constitutes a reasonable collection fee.

16 (34) Communicating or threatening to communicate with
17 a debtor when the collection agency is informed in writing
18 by an attorney that the attorney represents the debtor
19 concerning the debt. If the attorney fails to respond
20 within a reasonable period of time, the collector may
21 communicate with the debtor. The collector may communicate
22 with the debtor when the attorney gives his or her consent.

23 (35) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (b) ~~The Department shall deny any license or renewal~~

1 ~~authorized by this Act to any person who has defaulted on an~~
2 ~~educational loan guaranteed by the Illinois State Scholarship~~
3 ~~Commission; however, the Department may issue a license or~~
4 ~~renewal if the person in default has established a satisfactory~~
5 ~~repayment record as determined by the Illinois State~~
6 ~~Scholarship Commission.~~ No collection agency while collecting
7 or attempting to collect a debt shall engage in any of the Acts
8 specified in this Section, each of which shall be unlawful
9 practice.

10 (Source: P.A. 99-227, eff. 8-3-15.)

11 Section 855. The Community Association Manager Licensing
12 and Disciplinary Act is amended by changing Section 85 as
13 follows:

14 (225 ILCS 427/85)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 85. Grounds for discipline; refusal, revocation, or
17 suspension.

18 (a) The Department may refuse to issue or renew a license,
19 or may place on probation, reprimand, suspend, or revoke any
20 license, or take any other disciplinary or non-disciplinary
21 action as the Department may deem proper and impose a fine not
22 to exceed \$10,000 for each violation upon any licensee or
23 applicant under this Act or any person or entity who holds
24 himself, herself, or itself out as an applicant or licensee for

1 any one or combination of the following causes:

2 (1) Material misstatement in furnishing information to
3 the Department.

4 (2) Violations of this Act or its rules.

5 (3) Conviction of or entry of a plea of guilty or plea
6 of nolo contendere to a felony or a misdemeanor under the
7 laws of the United States, any state, or any other
8 jurisdiction or entry of an administrative sanction by a
9 government agency in this State or any other jurisdiction.
10 Action taken under this paragraph (3) for a misdemeanor or
11 an administrative sanction is limited to a misdemeanor or
12 administrative sanction that has as an essential element
13 dishonesty or fraud, that involves larceny, embezzlement,
14 or obtaining money, property, or credit by false pretenses
15 or by means of a confidence game, or that is directly
16 related to the practice of the profession.

17 (4) Making any misrepresentation for the purpose of
18 obtaining a license or violating any provision of this Act
19 or its rules.

20 (5) Professional incompetence.

21 (6) Gross negligence.

22 (7) Aiding or assisting another person in violating any
23 provision of this Act or its rules.

24 (8) Failing, within 30 days, to provide information in
25 response to a request made by the Department.

26 (9) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud or harm the public as defined by the rules of the
3 Department, or violating the rules of professional conduct
4 adopted by the Department.

5 (10) Habitual or excessive use or addiction to alcohol,
6 narcotics, stimulants, or any other chemical agent or drug
7 that results in the inability to practice with reasonable
8 judgment, skill, or safety.

9 (11) Having been disciplined by another state, the
10 District of Columbia, a territory, a foreign nation, or a
11 governmental agency authorized to impose discipline if at
12 least one of the grounds for the discipline is the same or
13 substantially equivalent of one of the grounds for which a
14 licensee may be disciplined under this Act. A certified
15 copy of the record of the action by the other state or
16 jurisdiction shall be prima facie evidence thereof.

17 (12) Directly or indirectly giving to or receiving from
18 any person, firm, corporation, partnership or association
19 any fee, commission, rebate, or other form of compensation
20 for any professional services not actually or personally
21 rendered.

22 (13) A finding by the Department that the licensee,
23 after having his, her, or its license placed on
24 probationary status, has violated the terms of probation.

25 (14) Willfully making or filing false records or
26 reports relating to a licensee's practice, including but

1 not limited to false records filed with any State or
2 federal agencies or departments.

3 (15) Being named as a perpetrator in an indicated
4 report by the Department of Children and Family Services
5 under the Abused and Neglected Child Reporting Act and upon
6 proof by clear and convincing evidence that the licensee
7 has caused a child to be an abused child or neglected child
8 as defined in the Abused and Neglected Child Reporting Act.

9 (16) Physical illness or mental illness or impairment,
10 including, but not limited to, deterioration through the
11 aging process or loss of motor skill that results in the
12 inability to practice the profession with reasonable
13 judgment, skill, or safety.

14 (17) Solicitation of professional services by using
15 false or misleading advertising.

16 (18) A finding that licensure has been applied for or
17 obtained by fraudulent means.

18 (19) Practicing or attempting to practice under a name
19 other than the full name as shown on the license or any
20 other legally authorized name.

21 (20) Gross overcharging for professional services
22 including, but not limited to, (i) collection of fees or
23 moneys for services that are not rendered; and (ii)
24 charging for services that are not in accordance with the
25 contract between the licensee and the community
26 association.

1 (21) Improper commingling of personal and client funds
2 in violation of this Act or any rules promulgated thereto.

3 (22) Failing to account for or remit any moneys or
4 documents coming into the licensee's possession that
5 belong to another person or entity.

6 (23) Giving differential treatment to a person that is
7 to that person's detriment because of race, color, creed,
8 sex, religion, or national origin.

9 (24) Performing and charging for services without
10 reasonable authorization to do so from the person or entity
11 for whom service is being provided.

12 (25) Failing to make available to the Department, upon
13 request, any books, records, or forms required by this Act.

14 (26) Purporting to be a supervising community
15 association manager of a firm without active participation
16 in the firm.

17 (27) Failing to make available to the Department at the
18 time of the request any indicia of licensure or
19 registration issued under this Act.

20 (28) Failing to maintain and deposit funds belonging to
21 a community association in accordance with subsection (b)
22 of Section 55 of this Act.

23 (29) Violating the terms of a disciplinary order issued
24 by the Department.

25 (b) (Blank). ~~In accordance with subdivision (a)(5) of~~
26 ~~Section 2105 15 of the Department of Professional Regulation~~

1 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
2 ~~2105/2105-15), the Department shall deny a license or renewal~~
3 ~~authorized by this Act to a person who has defaulted on an~~
4 ~~educational loan or scholarship provided or guaranteed by the~~
5 ~~Illinois Student Assistance Commission or any governmental~~
6 ~~agency of this State.~~

7 (c) The determination by a circuit court that a licensee is
8 subject to involuntary admission or judicial admission, as
9 provided in the Mental Health and Developmental Disabilities
10 Code, operates as an automatic suspension. The suspension will
11 terminate only upon a finding by a court that the patient is no
12 longer subject to involuntary admission or judicial admission
13 and the issuance of an order so finding and discharging the
14 patient, and upon the recommendation of the Board to the
15 Secretary that the licensee be allowed to resume his or her
16 practice as a licensed community association manager.

17 (d) In accordance with subsection (g) of Section 2105-15 of
18 the Department of Professional Regulation Law of the Civil
19 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
20 Department may refuse to issue or renew or may suspend the
21 license of any person who fails to file a return, to pay the
22 tax, penalty, or interest shown in a filed return, or to pay
23 any final assessment of tax, penalty, or interest, as required
24 by any tax Act administered by the Department of Revenue, until
25 such time as the requirements of that tax Act are satisfied.

26 (e) In accordance with subdivision (a)(5) of Section

1 2105-15 of the Department of Professional Regulation Law of the
2 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
3 and in cases where the Department of Healthcare and Family
4 Services (formerly Department of Public Aid) has previously
5 determined that a licensee or a potential licensee is more than
6 30 days delinquent in the payment of child support and has
7 subsequently certified the delinquency to the Department may
8 refuse to issue or renew or may revoke or suspend that person's
9 license or may take other disciplinary action against that
10 person based solely upon the certification of delinquency made
11 by the Department of Healthcare and Family Services.

12 (f) In enforcing this Section, the Department or Board upon
13 a showing of a possible violation may compel a licensee or an
14 individual licensed to practice under this Act, or who has
15 applied for licensure under this Act, to submit to a mental or
16 physical examination, or both, as required by and at the
17 expense of the Department. The Department or Board may order
18 the examining physician to present testimony concerning the
19 mental or physical examination of the licensee or applicant. No
20 information shall be excluded by reason of any common law or
21 statutory privilege relating to communications between the
22 licensee or applicant and the examining physician. The
23 examining physicians shall be specifically designated by the
24 Board or Department. The individual to be examined may have, at
25 his or her own expense, another physician of his or her choice
26 present during all aspects of this examination. Failure of an

1 individual to submit to a mental or physical examination, when
2 directed, shall be grounds for suspension of his or her license
3 or denial of his or her application or renewal until the
4 individual submits to the examination if the Department finds,
5 after notice and hearing, that the refusal to submit to the
6 examination was without reasonable cause.

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

24 In instances in which the Secretary immediately suspends a
25 person's license under this Section, a hearing on that person's
26 license must be convened by the Department within 30 days after

1 the suspension and completed without appreciable delay. The
2 Department and Board shall have the authority to review the
3 subject individual's record of treatment and counseling
4 regarding the impairment to the extent permitted by applicable
5 federal statutes and regulations safeguarding the
6 confidentiality of medical records.

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

12 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
13 98-756, eff. 7-16-14.)

14 Section 860. The Detection of Deception Examiners Act is
15 amended by changing Section 14 as follows:

16 (225 ILCS 430/14) (from Ch. 111, par. 2415)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 14. (a) The Department may refuse to issue or renew or
19 may revoke, suspend, place on probation, reprimand, or take
20 other disciplinary or non-disciplinary action as the
21 Department may deem appropriate, including imposing fines not
22 to exceed \$10,000 for each violation, with regard to any
23 license for any one or a combination of the following:

24 (1) Material misstatement in furnishing information to

1 the Department.

2 (2) Violations of this Act, or of the rules adopted
3 under this Act.

4 (3) Conviction by plea of guilty or nolo contendere,
5 finding of guilt, jury verdict, or entry of judgment or by
6 sentencing of any crime, including, but not limited to,
7 convictions, preceding sentences of supervision,
8 conditional discharge, or first offender probation, under
9 the laws of any jurisdiction of the United States: (i) that
10 is a felony or (ii) that is a misdemeanor, an essential
11 element of which is dishonesty, or that is directly related
12 to the practice of the profession.

13 (4) Making any misrepresentation for the purpose of
14 obtaining licensure or violating any provision of this Act
15 or the rules adopted under this Act pertaining to
16 advertising.

17 (5) Professional incompetence.

18 (6) Allowing one's license under this Act to be used by
19 an unlicensed person in violation of this Act.

20 (7) Aiding or assisting another person in violating
21 this Act or any rule adopted under this Act.

22 (8) Where the license holder has been adjudged mentally
23 ill, mentally deficient or subject to involuntary
24 admission as provided in the Mental Health and
25 Developmental Disabilities Code.

26 (9) Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

2 (10) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (11) Inability to practice with reasonable judgment,
6 skill, or safety as a result of habitual or excessive use
7 or addiction to alcohol, narcotics, stimulants, or any
8 other chemical agent or drug.

9 (12) Discipline by another state, District of
10 Columbia, territory, or foreign nation, if at least one of
11 the grounds for the discipline is the same or substantially
12 equivalent to those set forth in this Section.

13 (13) A finding by the Department that the licensee,
14 after having his or her license placed on probationary
15 status, has violated the terms of probation.

16 (14) Willfully making or filing false records or
17 reports in his or her practice, including, but not limited
18 to, false records filed with State agencies or departments.

19 (15) Inability to practice the profession with
20 reasonable judgment, skill, or safety as a result of a
21 physical illness, including, but not limited to,
22 deterioration through the aging process or loss of motor
23 skill, or a mental illness or disability.

24 (16) Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered.

1 (17) Practicing under a false or, except as provided by
2 law, an assumed name.

3 (18) Fraud or misrepresentation in applying for, or
4 procuring, a license under this Act or in connection with
5 applying for renewal of a license under this Act.

6 (19) Cheating on or attempting to subvert the licensing
7 examination administered under this Act.

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the
10 fine.

11 (b) The Department may refuse to issue or may suspend
12 without hearing, as provided for in the Code of Civil
13 Procedure, the license of any person who fails to file a
14 return, or pay the tax, penalty, or interest shown in a filed
15 return, or pay any final assessment of the tax, penalty, or
16 interest as required by any tax Act administered by the
17 Illinois Department of Revenue, until such time as the
18 requirements of any such tax Act are satisfied in accordance
19 with subsection (g) of Section 2105-15 of the Civil
20 Administrative Code of Illinois.

21 (c) (Blank). ~~The Department shall deny a license or renewal~~
22 ~~authorized by this Act to a person who has defaulted on an~~
23 ~~educational loan or scholarship provided or guaranteed by the~~
24 ~~Illinois Student Assistance Commission or any governmental~~
25 ~~agency of this State in accordance with item (5) of subsection~~
26 ~~(a) of Section 2105 15 of the Civil Administrative Code of~~

1 ~~Illinois.~~

2 (d) In cases where the Department of Healthcare and Family
3 Services has previously determined a licensee or a potential
4 licensee is more than 30 days delinquent in the payment of
5 child support and has subsequently certified the delinquency to
6 the Department, the Department may refuse to issue or renew or
7 may revoke or suspend that person's license or may take other
8 disciplinary action against that person based solely upon the
9 certification of delinquency made by the Department of
10 Healthcare and Family Services in accordance with item (5) of
11 subsection (a) of Section 2105-15 of the Civil Administrative
12 Code of Illinois.

13 (e) The determination by a circuit court that a licensee is
14 subject to involuntary admission or judicial admission, as
15 provided in the Mental Health and Developmental Disabilities
16 Code, operates as an automatic suspension. The suspension will
17 end only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission
19 and the issuance of an order so finding and discharging the
20 patient.

21 (f) In enforcing this Act, the Department, upon a showing
22 of a possible violation, may compel an individual licensed to
23 practice under this Act, or who has applied for licensure under
24 this Act, to submit to a mental or physical examination, or
25 both, as required by and at the expense of the Department. The
26 Department may order the examining physician to present

1 testimony concerning the mental or physical examination of the
2 licensee or applicant. No information shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communications between the licensee or applicant and the
5 examining physician. The examining physicians shall be
6 specifically designated by the Department. The individual to be
7 examined may have, at his or her own expense, another physician
8 of his or her choice present during all aspects of this
9 examination. The examination shall be performed by a physician
10 licensed to practice medicine in all its branches. Failure of
11 an individual to submit to a mental or physical examination,
12 when directed, shall result in an automatic suspension without
13 hearing.

14 A person holding a license under this Act or who has
15 applied for a license under this Act who, because of a physical
16 or mental illness or disability, including, but not limited to,
17 deterioration through the aging process or loss of motor skill,
18 is unable to practice the profession with reasonable judgment,
19 skill, or safety, may be required by the Department to submit
20 to care, counseling, or treatment by physicians approved or
21 designated by the Department as a condition, term, or
22 restriction for continued, reinstated, or renewed licensure to
23 practice. Submission to care, counseling, or treatment as
24 required by the Department shall not be considered discipline
25 of a license. If the licensee refuses to enter into a care,
26 counseling, or treatment agreement or fails to abide by the

1 terms of the agreement, the Department may file a complaint to
2 revoke, suspend, or otherwise discipline the license of the
3 individual. The Secretary may order the license suspended
4 immediately, pending a hearing by the Department. Fines shall
5 not be assessed in disciplinary actions involving physical or
6 mental illness or impairment.

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

16 An individual licensed under this Act and affected under
17 this Section shall be afforded an opportunity to demonstrate to
18 the Department that he or she can resume practice in compliance
19 with acceptable and prevailing standards under the provisions
20 of his or her license.

21 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;
22 98-756, eff. 7-16-14.)

23 Section 865. The Home Inspector License Act is amended by
24 changing Section 15-10 as follows:

1 (225 ILCS 441/15-10)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 15-10. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem appropriate, including imposing fines not to exceed
8 \$25,000 for each violation, with regard to any license for any
9 one or combination of the following:

10 (1) Fraud or misrepresentation in applying for, or
11 procuring a license under this Act or in connection with
12 applying for renewal of a license under this Act.

13 (2) Failing to meet the minimum qualifications for
14 licensure as a home inspector established by this Act.

15 (3) Paying money, other than for the fees provided for
16 by this Act, or anything of value to an employee of the
17 Department to procure licensure under this Act.

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

1 that subjects the licensee to compliance with the
2 requirements of the Sex Offender Registration Act.

3 (5) Committing an act or omission involving
4 dishonesty, fraud, or misrepresentation with the intent to
5 substantially benefit the licensee or another person or
6 with the intent to substantially injure another person.

7 (6) Violating a provision or standard for the
8 development or communication of home inspections as
9 provided in Section 10-5 of this Act or as defined in the
10 rules.

11 (7) Failing or refusing to exercise reasonable
12 diligence in the development, reporting, or communication
13 of a home inspection report, as defined by this Act or the
14 rules.

15 (8) Violating a provision of this Act or the rules.

16 (9) Having been disciplined by another state, the
17 District of Columbia, a territory, a foreign nation, a
18 governmental agency, or any other entity authorized to
19 impose discipline if at least one of the grounds for that
20 discipline is the same as or substantially equivalent to
21 one of the grounds for which a licensee may be disciplined
22 under this Act.

23 (10) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (11) Accepting an inspection assignment when the

1 employment itself is contingent upon the home inspector
2 reporting a predetermined analysis or opinion, or when the
3 fee to be paid is contingent upon the analysis, opinion, or
4 conclusion reached or upon the consequences resulting from
5 the home inspection assignment.

6 (12) Developing home inspection opinions or
7 conclusions based on the race, color, religion, sex,
8 national origin, ancestry, age, marital status, family
9 status, physical or mental disability, or unfavorable
10 military discharge, as defined under the Illinois Human
11 Rights Act, of the prospective or present owners or
12 occupants of the area or property under home inspection.

13 (13) Being adjudicated liable in a civil proceeding on
14 grounds of fraud, misrepresentation, or deceit. In a
15 disciplinary proceeding based upon a finding of civil
16 liability, the home inspector shall be afforded an
17 opportunity to present mitigating and extenuating
18 circumstances, but may not collaterally attack the civil
19 adjudication.

20 (14) Being adjudicated liable in a civil proceeding for
21 violation of a State or federal fair housing law.

22 (15) Engaging in misleading or untruthful advertising
23 or using a trade name or insignia of membership in a home
24 inspection organization of which the licensee is not a
25 member.

26 (16) Failing, within 30 days, to provide information in

1 response to a written request made by the Department.

2 (17) Failing to include within the home inspection
3 report the home inspector's license number and the date of
4 expiration of the license. All home inspectors providing
5 significant contribution to the development and reporting
6 of a home inspection must be disclosed in the home
7 inspection report. It is a violation of this Act for a home
8 inspector to sign a home inspection report knowing that a
9 person providing a significant contribution to the report
10 has not been disclosed in the home inspection report.

11 (18) Advising a client as to whether the client should
12 or should not engage in a transaction regarding the
13 residential real property that is the subject of the home
14 inspection.

15 (19) Performing a home inspection in a manner that
16 damages or alters the residential real property that is the
17 subject of the home inspection without the consent of the
18 owner.

19 (20) Performing a home inspection when the home
20 inspector is providing or may also provide other services
21 in connection with the residential real property or
22 transaction, or has an interest in the residential real
23 property, without providing prior written notice of the
24 potential or actual conflict and obtaining the prior
25 consent of the client as provided by rule.

26 (21) Aiding or assisting another person in violating

1 any provision of this Act or rules adopted under this Act.

2 (22) Inability to practice with reasonable judgment,
3 skill, or safety as a result of habitual or excessive use
4 or addiction to alcohol, narcotics, stimulants, or any
5 other chemical agent or drug.

6 (23) A finding by the Department that the licensee,
7 after having his or her license placed on probationary
8 status, has violated the terms of probation.

9 (24) Willfully making or filing false records or
10 reports in his or her practice, including, but not limited
11 to, false records filed with State agencies or departments.

12 (25) Charging for professional services not rendered,
13 including filing false statements for the collection of
14 fees for which services are not rendered.

15 (26) Practicing under a false or, except as provided by
16 law, an assumed name.

17 (27) Cheating on or attempting to subvert the licensing
18 examination administered under this Act.

19 (b) The Department may suspend, revoke, or refuse to issue
20 or renew an education provider's license, may reprimand, place
21 on probation, or otherwise discipline an education provider
22 licensee, and may suspend or revoke the course approval of any
23 course offered by an education provider, for any of the
24 following:

25 (1) Procuring or attempting to procure licensure by
26 knowingly making a false statement, submitting false

1 information, making any form of fraud or
2 misrepresentation, or refusing to provide complete
3 information in response to a question in an application for
4 licensure.

5 (2) Failing to comply with the covenants certified to
6 on the application for licensure as an education provider.

7 (3) Committing an act or omission involving
8 dishonesty, fraud, or misrepresentation or allowing any
9 such act or omission by any employee or contractor under
10 the control of the education provider.

11 (4) Engaging in misleading or untruthful advertising.

12 (5) Failing to retain competent instructors in
13 accordance with rules adopted under this Act.

14 (6) Failing to meet the topic or time requirements for
15 course approval as the provider of a pre-license curriculum
16 course or a continuing education course.

17 (7) Failing to administer an approved course using the
18 course materials, syllabus, and examinations submitted as
19 the basis of the course approval.

20 (8) Failing to provide an appropriate classroom
21 environment for presentation of courses, with
22 consideration for student comfort, acoustics, lighting,
23 seating, workspace, and visual aid material.

24 (9) Failing to maintain student records in compliance
25 with the rules adopted under this Act.

26 (10) Failing to provide a certificate, transcript, or

1 other student record to the Department or to a student as
2 may be required by rule.

3 (11) Failing to fully cooperate with a Department
4 investigation by knowingly making a false statement,
5 submitting false or misleading information, or refusing to
6 provide complete information in response to written
7 interrogatories or a written request for documentation
8 within 30 days of the request.

9 (c) In appropriate cases, the Department may resolve a
10 complaint against a licensee through the issuance of a Consent
11 to Administrative Supervision order. A licensee subject to a
12 Consent to Administrative Supervision order shall be
13 considered by the Department as an active licensee in good
14 standing. This order shall not be reported as or considered by
15 the Department to be a discipline of the licensee. The records
16 regarding an investigation and a Consent to Administrative
17 Supervision order shall be considered confidential and shall
18 not be released by the Department except as mandated by law.
19 The complainant shall be notified that his or her complaint has
20 been resolved by a Consent to Administrative Supervision order.

21 (d) The Department may refuse to issue or may suspend
22 without hearing, as provided for in the Code of Civil
23 Procedure, the license of any person who fails to file a tax
24 return, to pay the tax, penalty, or interest shown in a filed
25 tax return, or to pay any final assessment of tax, penalty, or
26 interest, as required by any tax Act administered by the

1 Illinois Department of Revenue, until such time as the
2 requirements of the tax Act are satisfied in accordance with
3 subsection (g) of Section 2105-15 of the Civil Administrative
4 Code of Illinois.

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

12 (f) In cases where the Department of Healthcare and Family
13 Services has previously determined that a licensee or a
14 potential licensee is more than 30 days delinquent in the
15 payment of child support and has subsequently certified the
16 delinquency to the Department, the Department may refuse to
17 issue or renew or may revoke or suspend that person's license
18 or may take other disciplinary action against that person based
19 solely upon the certification of delinquency made by the
20 Department of Healthcare and Family Services in accordance with
21 item (5) of subsection (a) of Section 2105-15 of the Civil
22 Administrative Code of Illinois.

23 (g) The determination by a circuit court that a licensee is
24 subject to involuntary admission or judicial admission, as
25 provided in the Mental Health and Developmental Disabilities
26 Code, operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no
2 longer subject to involuntary admission or judicial admission
3 and the issuance of a court order so finding and discharging
4 the patient.

5 (h) In enforcing this Act, the Department, upon a showing
6 of a possible violation, may compel an individual licensed to
7 practice under this Act, or who has applied for licensure under
8 this Act, to submit to a mental or physical examination, or
9 both, as required by and at the expense of the Department. The
10 Department may order the examining physician to present
11 testimony concerning the mental or physical examination of the
12 licensee or applicant. No information shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communications between the licensee or applicant and the
15 examining physician. The examining physician shall be
16 specifically designated by the Department. The individual to be
17 examined may have, at his or her own expense, another physician
18 of his or her choice present during all aspects of this
19 examination. The examination shall be performed by a physician
20 licensed to practice medicine in all its branches. Failure of
21 an individual to submit to a mental or physical examination,
22 when directed, shall result in an automatic suspension without
23 hearing.

24 A person holding a license under this Act or who has
25 applied for a license under this Act, who, because of a
26 physical or mental illness or disability, including, but not

1 limited to, deterioration through the aging process or loss of
2 motor skill, is unable to practice the profession with
3 reasonable judgment, skill, or safety, may be required by the
4 Department to submit to care, counseling, or treatment by
5 physicians approved or designated by the Department as a
6 condition, term, or restriction for continued, reinstated, or
7 renewed licensure to practice. Submission to care, counseling,
8 or treatment as required by the Department shall not be
9 considered discipline of a license. If the licensee refuses to
10 enter into a care, counseling, or treatment agreement or fails
11 to abide by the terms of the agreement, the Department may file
12 a complaint to revoke, suspend, or otherwise discipline the
13 license of the individual. The Secretary may order the license
14 suspended immediately, pending a hearing by the Department.
15 Fines shall not be assessed in disciplinary actions involving
16 physical or mental illness or impairment.

17 In instances in which the Secretary immediately suspends a
18 person's license under this Section, a hearing on that person's
19 license must be convened by the Department within 15 days after
20 the suspension and completed without appreciable delay. The
21 Department shall have the authority to review the subject
22 individual's record of treatment and counseling regarding the
23 impairment to the extent permitted by applicable federal
24 statutes and regulations safeguarding the confidentiality of
25 medical records.

26 An individual licensed under this Act and affected under

1 this Section shall be afforded an opportunity to demonstrate to
2 the Department that he or she can resume practice in compliance
3 with acceptable and prevailing standards under the provisions
4 of his or her license.

5 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
6 98-756, eff. 7-16-14.)

7 (225 ILCS 447/40-35 rep.)

8 Section 870. The Private Detective, Private Alarm, Private
9 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
10 amended by repealing Section 40-35.

11 Section 875. The Illinois Public Accounting Act is amended
12 by changing Section 20.01 as follows:

13 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 20.01. Grounds for discipline; license or
16 registration.

17 (a) The Department may refuse to issue or renew, or may
18 revoke, suspend, or reprimand any registration or registrant,
19 any license or licensee, place a licensee or registrant on
20 probation for a period of time subject to any conditions the
21 Department may specify including requiring the licensee or
22 registrant to attend continuing education courses or to work
23 under the supervision of another licensee or registrant, impose

1 a fine not to exceed \$10,000 for each violation, restrict the
2 authorized scope of practice, require a licensee or registrant
3 to undergo a peer review program, assess costs as provided for
4 under Section 20.4, or take other disciplinary or
5 non-disciplinary action for any one or more of the following:

6 (1) Violation of any provision of this Act or rule
7 adopted by the Department under this Act or violation of
8 professional standards.

9 (2) Dishonesty, fraud, or deceit in obtaining,
10 reinstating, or restoring a license or registration.

11 (3) Cancellation, revocation, suspension, denial of
12 licensure or registration, or refusal to renew a license or
13 privileges under Section 5.2 for disciplinary reasons in
14 any other U.S. jurisdiction, unit of government, or
15 government agency for any cause.

16 (4) Failure, on the part of a licensee under Section 13
17 or registrant under Section 16, to maintain compliance with
18 the requirements for issuance or renewal of a license or
19 registration or to report changes to the Department.

20 (5) Revocation or suspension of the right to practice
21 by or before any state or federal regulatory authority or
22 by the Public Company Accounting Oversight Board.

23 (6) Dishonesty, fraud, deceit, or gross negligence in
24 the performance of services as a licensee or registrant or
25 individual granted privileges under Section 5.2.

26 (7) Conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or
2 sentencing, including, but not limited to, convictions,
3 preceding sentences of supervision, conditional discharge,
4 or first offender probation, under the laws of any
5 jurisdiction of the United States that is (i) a felony or
6 (ii) a misdemeanor, an essential element of which is
7 dishonesty, or that is directly related to the practice of
8 public accounting.

9 (8) Performance of any fraudulent act while holding a
10 license or privilege issued under this Act or prior law.

11 (9) Practicing on a revoked, suspended, or inactive
12 license or registration.

13 (10) Making or filing a report or record that the
14 registrant or licensee knows to be false, willfully failing
15 to file a report or record required by State or federal
16 law, willfully impeding or obstructing the filing or
17 inducing another person to impede or obstruct only those
18 that are signed in the capacity of a licensed CPA or a
19 registered CPA.

20 (11) Aiding or assisting another person in violating
21 any provision of this Act or rules promulgated hereunder.

22 (12) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

25 (13) Habitual or excessive use or abuse of drugs,
26 alcohol, narcotics, stimulants, or any other substance

1 that results in the inability to practice with reasonable
2 skill, judgment, or safety.

3 (14) Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership, or association
5 any fee, commission, rebate, or other form of compensation
6 for any professional service not actually rendered.

7 (15) Physical illness, including, but not limited to,
8 deterioration through the aging process or loss of motor
9 skill that results in the licensee or registrant's
10 inability to practice under this Act with reasonable
11 judgment, skill, or safety.

12 (16) Solicitation of professional services by using
13 false or misleading advertising.

14 (17) Any conduct reflecting adversely upon the
15 licensee's fitness to perform services while a licensee or
16 individual granted privileges under Section 5.2.

17 (18) Practicing or attempting to practice under a name
18 other than the full name as shown on the license or
19 registration or any other legally authorized name.

20 (19) A finding by the Department that a licensee or
21 registrant has not complied with a provision of any lawful
22 order issued by the Department.

23 (20) Making a false statement to the Department
24 regarding compliance with continuing professional
25 education or peer review requirements.

26 (21) Failing to make a substantive response to a

1 request for information by the Department within 30 days of
2 the request.

3 (b) (Blank).

4 (b-5) All fines or costs imposed under this Section shall
5 be paid within 60 days after the effective date of the order
6 imposing the fine or costs or in accordance with the terms set
7 forth in the order imposing the fine or cost.

8 (c) In cases where the Department of Healthcare and Family
9 Services has previously determined a licensee or a potential
10 licensee is more than 30 days delinquent in the payment of
11 child support and has subsequently certified the delinquency to
12 the Department, the Department may refuse to issue or renew or
13 may revoke or suspend that person's license or may take other
14 disciplinary or non-disciplinary action against that person
15 based solely upon the certification of delinquency made by the
16 Department of Healthcare and Family Services in accordance with
17 item (5) of subsection (a) of Section 2105-15 of the Department
18 of Professional Regulation Law of the Civil Administrative Code
19 of Illinois.

20 (d) The Department may refuse to issue or may suspend
21 without hearing, as provided for in the Code of Civil
22 Procedure, the license or registration of any person who fails
23 to file a return, to pay a tax, penalty, or interest shown in a
24 filed return, or to pay any final assessment of tax, penalty,
25 or interest, as required by any tax Act administered by the
26 Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied in accordance
2 with subsection (g) of Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code of
4 Illinois.

5 (e) (Blank). ~~The Department shall deny any application for~~
6 ~~a license, registration, or renewal, without hearing, to any~~
7 ~~person who has defaulted on an educational loan guaranteed by~~
8 ~~the Illinois Student Assistance Commission; however, the~~
9 ~~Department may issue a license, registration, or renewal if the~~
10 ~~person in default has established a satisfactory repayment~~
11 ~~record as determined by the Illinois Student Assistance~~
12 ~~Commission.~~

13 (f) The determination by a court that a licensee or
14 registrant is subject to involuntary admission or judicial
15 admission as provided in the Mental Health and Developmental
16 Disabilities Code will result in the automatic suspension of
17 his or her license or registration. The licensee or registrant
18 shall be responsible for notifying the Department of the
19 determination by the court that the licensee or registrant is
20 subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code. The suspension shall end only upon a finding by a court
23 that the patient is no longer subject to involuntary admission
24 or judicial admission, the issuance of an order so finding and
25 discharging the patient, and the filing of a petition for
26 restoration demonstrating fitness to practice.

1 (g) In enforcing this Section, the Department, upon a
2 showing of a possible violation, may compel, any licensee or
3 registrant or any individual who has applied for licensure
4 under this Act, to submit to a mental or physical examination
5 and evaluation, or both, which may include a substance abuse or
6 sexual offender evaluation, at the expense of the Department.
7 The Department shall specifically designate the examining
8 physician licensed to practice medicine in all of its branches
9 or, if applicable, the multidisciplinary team involved in
10 providing the mental or physical examination and evaluation, or
11 both. The multidisciplinary team shall be led by a physician
12 licensed to practice medicine in all of its branches and may
13 consist of one or more or a combination of physicians licensed
14 to practice medicine in all of its branches, licensed
15 chiropractic physicians, licensed clinical psychologists,
16 licensed clinical social workers, licensed clinical
17 professional counselors, and other professional and
18 administrative staff. Any examining physician or member of the
19 multidisciplinary team may require any person ordered to submit
20 to an examination and evaluation under this Section to submit
21 to any additional supplemental testing deemed necessary to
22 complete any examination or evaluation process, including, but
23 not limited to, blood testing, urinalysis, psychological
24 testing, or neuropsychological testing. The Department may
25 order the examining physician or any member of the
26 multidisciplinary team to provide to the Department any and all

1 records, including business records, that relate to the
2 examination and evaluation, including any supplemental testing
3 performed. The Department may order the examining physician or
4 any member of the multidisciplinary team to present testimony
5 concerning this examination and evaluation of the licensee,
6 registrant, or applicant, including testimony concerning any
7 supplemental testing or documents relating to the examination
8 and evaluation. No information, report, record, or other
9 documents in any way related to the examination and evaluation
10 shall be excluded by reason of any common law or statutory
11 privilege relating to communication between the licensee,
12 registrant, or applicant and the examining physician or any
13 member of the multidisciplinary team. No authorization is
14 necessary from the individual ordered to undergo an evaluation
15 and examination for the examining physician or any member of
16 the multidisciplinary team to provide information, reports,
17 records, or other documents or to provide any testimony
18 regarding the examination and evaluation.

19 The individual to be examined may have, at his or her own
20 expense, another physician of his or her choice present during
21 all aspects of the examination. Failure of any individual to
22 submit to mental or physical examination and evaluation, or
23 both, when directed, shall result in an automatic suspension,
24 without hearing, until such time as the individual submits to
25 the examination. If the Department finds a licensee,
26 registrant, or applicant unable to practice because of the

1 reasons set forth in this Section, the Department shall require
2 such licensee, registrant, or applicant to submit to care,
3 counseling, or treatment by physicians approved or designated
4 by the Department, as a condition for continued, reinstated, or
5 renewed licensure to practice.

6 When the Secretary immediately suspends a license or
7 registration under this Section, a hearing upon such person's
8 license or registration must be convened by the Department
9 within 15 days after such suspension and completed without
10 appreciable delay. The Department shall have the authority to
11 review the subject's record of treatment and counseling
12 regarding the impairment, to the extent permitted by applicable
13 federal statutes and regulations safeguarding the
14 confidentiality of medical records.

15 Individuals licensed or registered under this Act,
16 affected under this Section, shall be afforded an opportunity
17 to demonstrate to the Department that they can resume practice
18 in compliance with acceptable and prevailing standards under
19 the provisions of their license or registration.

20 (Source: P.A. 98-254, eff. 8-9-13.)

21 Section 880. The Real Estate License Act of 2000 is amended
22 by changing Section 20-20 as follows:

23 (225 ILCS 454/20-20)

24 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 20-20. Grounds for discipline.

2 (a) The Department may refuse to issue or renew a license,
3 may place on probation, suspend, or revoke any license,
4 reprimand, or take any other disciplinary or non-disciplinary
5 action as the Department may deem proper and impose a fine not
6 to exceed \$25,000 upon any licensee or applicant under this Act
7 or any person who holds himself or herself out as an applicant
8 or licensee or against a licensee in handling his or her own
9 property, whether held by deed, option, or otherwise, for any
10 one or any combination of the following causes:

11 (1) Fraud or misrepresentation in applying for, or
12 procuring, a license under this Act or in connection with
13 applying for renewal of a license under this Act.

14 (2) The conviction of or plea of guilty or plea of nolo
15 contendere to a felony or misdemeanor in this State or any
16 other jurisdiction; or the entry of an administrative
17 sanction by a government agency in this State or any other
18 jurisdiction. Action taken under this paragraph (2) for a
19 misdemeanor or an administrative sanction is limited to a
20 misdemeanor or administrative sanction that has as an
21 essential element dishonesty or fraud or involves larceny,
22 embezzlement, or obtaining money, property, or credit by
23 false pretenses or by means of a confidence game.

24 (3) Inability to practice the profession with
25 reasonable judgment, skill, or safety as a result of a
26 physical illness, including, but not limited to,

1 deterioration through the aging process or loss of motor
2 skill, or a mental illness or disability.

3 (4) Practice under this Act as a licensee in a retail
4 sales establishment from an office, desk, or space that is
5 not separated from the main retail business by a separate
6 and distinct area within the establishment.

7 (5) Having been disciplined by another state, the
8 District of Columbia, a territory, a foreign nation, or a
9 governmental agency authorized to impose discipline if at
10 least one of the grounds for that discipline is the same as
11 or the equivalent of one of the grounds for which a
12 licensee may be disciplined under this Act. A certified
13 copy of the record of the action by the other state or
14 jurisdiction shall be prima facie evidence thereof.

15 (6) Engaging in the practice of real estate brokerage
16 without a license or after the licensee's license or
17 temporary permit was expired or while the license was
18 inoperative.

19 (7) Cheating on or attempting to subvert the Real
20 Estate License Exam or continuing education exam.

21 (8) Aiding or abetting an applicant to subvert or cheat
22 on the Real Estate License Exam or continuing education
23 exam administered pursuant to this Act.

24 (9) Advertising that is inaccurate, misleading, or
25 contrary to the provisions of the Act.

26 (10) Making any substantial misrepresentation or

1 untruthful advertising.

2 (11) Making any false promises of a character likely to
3 influence, persuade, or induce.

4 (12) Pursuing a continued and flagrant course of
5 misrepresentation or the making of false promises through
6 licensees, employees, agents, advertising, or otherwise.

7 (13) Any misleading or untruthful advertising, or
8 using any trade name or insignia of membership in any real
9 estate organization of which the licensee is not a member.

10 (14) Acting for more than one party in a transaction
11 without providing written notice to all parties for whom
12 the licensee acts.

13 (15) Representing or attempting to represent a broker
14 other than the sponsoring broker.

15 (16) Failure to account for or to remit any moneys or
16 documents coming into his or her possession that belong to
17 others.

18 (17) Failure to maintain and deposit in a special
19 account, separate and apart from personal and other
20 business accounts, all escrow moneys belonging to others
21 entrusted to a licensee while acting as a broker, escrow
22 agent, or temporary custodian of the funds of others or
23 failure to maintain all escrow moneys on deposit in the
24 account until the transactions are consummated or
25 terminated, except to the extent that the moneys, or any
26 part thereof, shall be:

1 (A) disbursed prior to the consummation or
2 termination (i) in accordance with the written
3 direction of the principals to the transaction or their
4 duly authorized agents, (ii) in accordance with
5 directions providing for the release, payment, or
6 distribution of escrow moneys contained in any written
7 contract signed by the principals to the transaction or
8 their duly authorized agents, or (iii) pursuant to an
9 order of a court of competent jurisdiction; or

10 (B) deemed abandoned and transferred to the Office
11 of the State Treasurer to be handled as unclaimed
12 property pursuant to the Revised Uniform Unclaimed
13 Property Act. Escrow moneys may be deemed abandoned
14 under this subparagraph (B) only: (i) in the absence of
15 disbursement under subparagraph (A); (ii) in the
16 absence of notice of the filing of any claim in a court
17 of competent jurisdiction; and (iii) if 6 months have
18 elapsed after the receipt of a written demand for the
19 escrow moneys from one of the principals to the
20 transaction or the principal's duly authorized agent.

21 The account shall be noninterest bearing, unless the
22 character of the deposit is such that payment of interest
23 thereon is otherwise required by law or unless the
24 principals to the transaction specifically require, in
25 writing, that the deposit be placed in an interest bearing
26 account.

1 (18) Failure to make available to the Department all
2 escrow records and related documents maintained in
3 connection with the practice of real estate within 24 hours
4 of a request for those documents by Department personnel.

5 (19) Failing to furnish copies upon request of
6 documents relating to a real estate transaction to a party
7 who has executed that document.

8 (20) Failure of a sponsoring broker to timely provide
9 information, sponsor cards, or termination of licenses to
10 the Department.

11 (21) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public.

14 (22) Commingling the money or property of others with
15 his or her own money or property.

16 (23) Employing any person on a purely temporary or
17 single deal basis as a means of evading the law regarding
18 payment of commission to nonlicensees on some contemplated
19 transactions.

20 (24) Permitting the use of his or her license as a
21 broker to enable a leasing agent or unlicensed person to
22 operate a real estate business without actual
23 participation therein and control thereof by the broker.

24 (25) Any other conduct, whether of the same or a
25 different character from that specified in this Section,
26 that constitutes dishonest dealing.

1 (26) Displaying a "for rent" or "for sale" sign on any
2 property without the written consent of an owner or his or
3 her duly authorized agent or advertising by any means that
4 any property is for sale or for rent without the written
5 consent of the owner or his or her authorized agent.

6 (27) Failing to provide information requested by the
7 Department, or otherwise respond to that request, within 30
8 days of the request.

9 (28) Advertising by means of a blind advertisement,
10 except as otherwise permitted in Section 10-30 of this Act.

11 (29) Offering guaranteed sales plans, as defined in
12 clause (A) of this subdivision (29), except to the extent
13 hereinafter set forth:

14 (A) A "guaranteed sales plan" is any real estate
15 purchase or sales plan whereby a licensee enters into a
16 conditional or unconditional written contract with a
17 seller, prior to entering into a brokerage agreement
18 with the seller, by the terms of which a licensee
19 agrees to purchase a property of the seller within a
20 specified period of time at a specific price in the
21 event the property is not sold in accordance with the
22 terms of a brokerage agreement to be entered into
23 between the sponsoring broker and the seller.

24 (B) A licensee offering a guaranteed sales plan
25 shall provide the details and conditions of the plan in
26 writing to the party to whom the plan is offered.

1 (C) A licensee offering a guaranteed sales plan
2 shall provide to the party to whom the plan is offered
3 evidence of sufficient financial resources to satisfy
4 the commitment to purchase undertaken by the broker in
5 the plan.

6 (D) Any licensee offering a guaranteed sales plan
7 shall undertake to market the property of the seller
8 subject to the plan in the same manner in which the
9 broker would market any other property, unless the
10 agreement with the seller provides otherwise.

11 (E) The licensee cannot purchase seller's property
12 until the brokerage agreement has ended according to
13 its terms or is otherwise terminated.

14 (F) Any licensee who fails to perform on a
15 guaranteed sales plan in strict accordance with its
16 terms shall be subject to all the penalties provided in
17 this Act for violations thereof and, in addition, shall
18 be subject to a civil fine payable to the party injured
19 by the default in an amount of up to \$25,000.

20 (30) Influencing or attempting to influence, by any
21 words or acts, a prospective seller, purchaser, occupant,
22 landlord, or tenant of real estate, in connection with
23 viewing, buying, or leasing real estate, so as to promote
24 or tend to promote the continuance or maintenance of
25 racially and religiously segregated housing or so as to
26 retard, obstruct, or discourage racially integrated

1 housing on or in any street, block, neighborhood, or
2 community.

3 (31) Engaging in any act that constitutes a violation
4 of any provision of Article 3 of the Illinois Human Rights
5 Act, whether or not a complaint has been filed with or
6 adjudicated by the Human Rights Commission.

7 (32) Inducing any party to a contract of sale or lease
8 or brokerage agreement to break the contract of sale or
9 lease or brokerage agreement for the purpose of
10 substituting, in lieu thereof, a new contract for sale or
11 lease or brokerage agreement with a third party.

12 (33) Negotiating a sale, exchange, or lease of real
13 estate directly with any person if the licensee knows that
14 the person has an exclusive brokerage agreement with
15 another broker, unless specifically authorized by that
16 broker.

17 (34) When a licensee is also an attorney, acting as the
18 attorney for either the buyer or the seller in the same
19 transaction in which the licensee is acting or has acted as
20 a managing broker or broker.

21 (35) Advertising or offering merchandise or services
22 as free if any conditions or obligations necessary for
23 receiving the merchandise or services are not disclosed in
24 the same advertisement or offer. These conditions or
25 obligations include without limitation the requirement
26 that the recipient attend a promotional activity or visit a

1 real estate site. As used in this subdivision (35), "free"
2 includes terms such as "award", "prize", "no charge", "free
3 of charge", "without charge", and similar words or phrases
4 that reasonably lead a person to believe that he or she may
5 receive or has been selected to receive something of value,
6 without any conditions or obligations on the part of the
7 recipient.

8 (36) (Blank).

9 (37) Violating the terms of a disciplinary order issued
10 by the Department.

11 (38) Paying or failing to disclose compensation in
12 violation of Article 10 of this Act.

13 (39) Requiring a party to a transaction who is not a
14 client of the licensee to allow the licensee to retain a
15 portion of the escrow moneys for payment of the licensee's
16 commission or expenses as a condition for release of the
17 escrow moneys to that party.

18 (40) Disregarding or violating any provision of this
19 Act or the published rules promulgated by the Department to
20 enforce this Act or aiding or abetting any individual,
21 partnership, registered limited liability partnership,
22 limited liability company, or corporation in disregarding
23 any provision of this Act or the published rules
24 promulgated by the Department to enforce this Act.

25 (41) Failing to provide the minimum services required
26 by Section 15-75 of this Act when acting under an exclusive

1 brokerage agreement.

2 (42) Habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in a managing broker, broker, or leasing
5 agent's inability to practice with reasonable skill or
6 safety.

7 (43) Enabling, aiding, or abetting an auctioneer, as
8 defined in the Auction License Act, to conduct a real
9 estate auction in a manner that is in violation of this
10 Act.

11 (44) Permitting any leasing agent or temporary leasing
12 agent permit holder to engage in activities that require a
13 broker's or managing broker's license.

14 (b) The Department may refuse to issue or renew or may
15 suspend the license of any person who fails to file a return,
16 pay the tax, penalty or interest shown in a filed return, or
17 pay any final assessment of tax, penalty, or interest, as
18 required by any tax Act administered by the Department of
19 Revenue, until such time as the requirements of that tax Act
20 are satisfied in accordance with subsection (g) of Section
21 2105-15 of the Civil Administrative Code of Illinois.

22 (c) (Blank). ~~The Department shall deny a license or renewal~~
23 ~~authorized by this Act to a person who has defaulted on an~~
24 ~~educational loan or scholarship provided or guaranteed by the~~
25 ~~Illinois Student Assistance Commission or any governmental~~
26 ~~agency of this State in accordance with item (5) of subsection~~

1 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
2 ~~Illinois.~~

3 (d) In cases where the Department of Healthcare and Family
4 Services (formerly Department of Public Aid) has previously
5 determined that a licensee or a potential licensee is more than
6 30 days delinquent in the payment of child support and has
7 subsequently certified the delinquency to the Department may
8 refuse to issue or renew or may revoke or suspend that person's
9 license or may take other disciplinary action against that
10 person based solely upon the certification of delinquency made
11 by the Department of Healthcare and Family Services in
12 accordance with item (5) of subsection (a) of Section 2105-15
13 of the Civil Administrative Code of Illinois.

14 (e) In enforcing this Section, the Department or Board upon
15 a showing of a possible violation may compel an individual
16 licensed to practice under this Act, or who has applied for
17 licensure under this Act, to submit to a mental or physical
18 examination, or both, as required by and at the expense of the
19 Department. The Department or Board may order the examining
20 physician to present testimony concerning the mental or
21 physical examination of the licensee or applicant. No
22 information shall be excluded by reason of any common law or
23 statutory privilege relating to communications between the
24 licensee or applicant and the examining physician. The
25 examining physicians shall be specifically designated by the
26 Board or Department. The individual to be examined may have, at

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

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

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that person's

1 license must be convened by the Department within 30 days after
2 the suspension and completed without appreciable delay. The
3 Department and Board shall have the authority to review the
4 subject individual's record of treatment and counseling
5 regarding the impairment to the extent permitted by applicable
6 federal statutes and regulations safeguarding the
7 confidentiality of medical records.

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

13 (Source: P.A. 99-227, eff. 8-3-15; 100-22, eff. 1-1-18;
14 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; revised 10-2-17.)

15 (225 ILCS 458/15-45 rep.)

16 Section 885. The Real Estate Appraiser Licensing Act of
17 2002 is amended by repealing Section 15-45.

18 Section 890. The Radon Industry Licensing Act is amended by
19 changing Section 45 as follows:

20 (420 ILCS 44/45)

21 Sec. 45. Grounds for disciplinary action. The Agency may
22 refuse to issue or to renew, or may revoke, suspend, or take
23 other disciplinary action as the Agency may deem proper,

1 including fines not to exceed \$1,000 for each violation, with
2 regard to any license for any one or combination of the
3 following causes:

4 (a) Violation of this Act or its rules.

5 (b) Conviction of a crime under the laws of any United
6 States jurisdiction that is a felony or of any crime that
7 directly relates to the practice of detecting or reducing
8 the presence of radon or radon progeny. Consideration of
9 such conviction of an applicant shall be in accordance with
10 Section 46.

11 (c) Making a misrepresentation for the purpose of
12 obtaining a license.

13 (d) Professional incompetence or gross negligence in
14 the practice of detecting or reducing the presence of radon
15 or radon progeny.

16 (e) Gross malpractice, prima facie evidence of which
17 may be a conviction or judgment of malpractice in a court
18 of competent jurisdiction.

19 (f) Aiding or assisting another person in violating a
20 provision of this Act or its rules.

21 (g) Failing, within 60 days, to provide information in
22 response to a written request made by the Agency that has
23 been sent by mail to the licensee's last known address.

24 (h) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public.

1 (i) Habitual or excessive use or addiction to alcohol,
2 narcotics, stimulants, or any other chemical agent or drug
3 that results in the inability to practice with reasonable
4 judgment, skill, or safety.

5 (j) Discipline by another United States jurisdiction
6 or foreign nation, if at least one of the grounds for the
7 discipline is the same or substantially equivalent to those
8 set forth in this Section.

9 (k) Directly or indirectly giving to or receiving from
10 a person any fee, commission, rebate, or other form of
11 compensation for a professional service not actually or
12 personally rendered.

13 (l) A finding by the Agency that the licensee has
14 violated the terms of a license.

15 (m) Conviction by a court of competent jurisdiction,
16 either within or outside of this State, of a violation of a
17 law governing the practice of detecting or reducing the
18 presence of radon or radon progeny if the Agency determines
19 after investigation that the person has not been
20 sufficiently rehabilitated to warrant the public trust.

21 (n) A finding by the Agency that a license has been
22 applied for or obtained by fraudulent means.

23 (o) Practicing or attempting to practice under a name
24 other than the full name as shown on the license or any
25 other authorized name.

26 (p) Gross and willful overcharging for professional

1 services, including filing false statements for collection
2 of fees or moneys for which services are not rendered.

3 (q) Failure to file a return or to pay the tax,
4 penalty, or interest shown in a filed return, or to pay any
5 final assessment of tax, penalty, or interest, as required
6 by a tax Act administered by the Department of Revenue,
7 until such time as the requirements of any such tax Act are
8 satisfied.

9 (r) (Blank). ~~Failure to repay educational loans~~
10 ~~guaranteed by the Illinois Student Assistance Commission,~~
11 ~~as provided in Section 80 of the Nuclear Safety Law of~~
12 ~~2004. However, the Agency may issue an original or renewal~~
13 ~~license if the person in default has established a~~
14 ~~satisfactory repayment record as determined by the~~
15 ~~Illinois Student Assistance Commission.~~

16 (s) Failure to meet child support orders, as provided
17 in Section 10-65 of the Illinois Administrative Procedure
18 Act.

19 (t) Failure to pay a fee or civil penalty properly
20 assessed by the Agency.

21 (Source: P.A. 100-286, eff. 1-1-18.)

22 Section 900. The Attorney Act is amended by changing
23 Section 1 as follows:

24 (705 ILCS 205/1) (from Ch. 13, par. 1)

1 Sec. 1. No person shall be permitted to practice as an
2 attorney or counselor at law within this State without having
3 previously obtained a license for that purpose from the Supreme
4 Court of this State.

5 No person shall receive any compensation directly or
6 indirectly for any legal services other than a regularly
7 licensed attorney, nor may an unlicensed person advertise or
8 hold himself or herself out to provide legal services.

9 A license, as provided for herein, constitutes the person
10 receiving the same an attorney and counselor at law, according
11 to the law and customs thereof, for and during his good
12 behavior in the practice and authorizes him to demand and
13 receive fees for any services which he may render as an
14 attorney and counselor at law in this State. ~~No person shall be
15 granted a license or renewal authorized by this Act who has
16 defaulted on an educational loan guaranteed by the Illinois
17 Student Assistance Commission; however, a license or renewal
18 may be issued to the aforementioned persons who have
19 established a satisfactory repayment record as determined by
20 the Illinois Student Assistance Commission.~~ No person shall be
21 granted a license or renewal authorized by this Act who is more
22 than 30 days delinquent in complying with a child support
23 order; a license or renewal may be issued, however, if the
24 person has established a satisfactory repayment record as
25 determined (i) by the Department of Healthcare and Family
26 Services (formerly Illinois Department of Public Aid) for cases

1 being enforced under Article X of the Illinois Public Aid Code
2 or (ii) in all other cases by order of court or by written
3 agreement between the custodial parent and non-custodial
4 parent. No person shall be refused a license under this Act on
5 account of sex.

6 Any person practicing, charging or receiving fees for legal
7 services or advertising or holding himself or herself out to
8 provide legal services within this State, either directly or
9 indirectly, without being licensed to practice as herein
10 required, is guilty of contempt of court and shall be punished
11 accordingly, upon complaint being filed in any Circuit Court of
12 this State. The remedies available include, but are not limited
13 to: (i) appropriate equitable relief; (ii) a civil penalty not
14 to exceed \$5,000, which shall be paid to the Illinois Equal
15 Justice Foundation; and (iii) actual damages. Such proceedings
16 shall be conducted in the Courts of the respective counties
17 where the alleged contempt has been committed in the same
18 manner as in cases of indirect contempt and with the right of
19 review by the parties thereto.

20 The provisions of this Act shall be in addition to other
21 remedies permitted by law and shall not be construed to deprive
22 courts of this State of their inherent right to punish for
23 contempt or to restrain the unauthorized practice of law.

24 Nothing in this Act shall be construed to conflict with,
25 amend, or modify Section 5 of the Corporation Practice of Law
26 Prohibition Act or prohibit representation of a party by a

1 person who is not an attorney in a proceeding before either
2 panel of the Illinois Labor Relations Board under the Illinois
3 Public Labor Relations Act, as now or hereafter amended, the
4 Illinois Educational Labor Relations Board under the Illinois
5 Educational Labor Relations Act, as now or hereafter amended,
6 the State Civil Service Commission, the local Civil Service
7 Commissions, or the University Civil Service Merit Board, to
8 the extent allowed pursuant to rules and regulations
9 promulgated by those Boards and Commissions or the giving of
10 information, training, or advocacy or assistance in any
11 meetings or administrative proceedings held pursuant to the
12 federal Individuals with Disabilities Education Act, the
13 federal Rehabilitation Act of 1973, the federal Americans with
14 Disabilities Act of 1990, or the federal Social Security Act,
15 to the extent allowed by those laws or the federal regulations
16 or State statutes implementing those laws.

17 (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;
18 95-410, eff. 8-24-07.)

19 Section 905. The Illinois Securities Law of 1953 is amended
20 by changing Section 8 as follows:

21 (815 ILCS 5/8) (from Ch. 121 1/2, par. 137.8)

22 Sec. 8. Registration of dealers, limited Canadian dealers,
23 Internet portals, salespersons, investment advisers, and
24 investment adviser representatives.

1 A. Except as otherwise provided in this subsection A, every
2 dealer, limited Canadian dealer, salesperson, investment
3 adviser, and investment adviser representative shall be
4 registered as such with the Secretary of State. No dealer or
5 salesperson need be registered as such when offering or selling
6 securities in transactions exempted by subsection A, B, C, D,
7 E, G, H, I, J, K, M, O, P, Q, R or S of Section 4 of this Act,
8 provided that such dealer or salesperson is not regularly
9 engaged in the business of offering or selling securities in
10 reliance upon the exemption set forth in subsection G or M of
11 Section 4 of this Act. No dealer, issuer or controlling person
12 shall employ a salesperson unless such salesperson is
13 registered as such with the Secretary of State or is employed
14 for the purpose of offering or selling securities solely in
15 transactions exempted by subsection A, B, C, D, E, G, H, I, J,
16 K, L, M, O, P, Q, R or S of Section 4 of this Act; provided that
17 such salesperson need not be registered when effecting
18 transactions in this State limited to those transactions
19 described in Section 15(h)(2) of the Federal 1934 Act or
20 engaging in the offer or sale of securities in respect of which
21 he or she has beneficial ownership and is a controlling person.
22 The Secretary of State may, by rule, regulation or order and
23 subject to such terms, conditions, and fees as may be
24 prescribed in such rule, regulation or order, exempt from the
25 registration requirements of this Section 8 any investment

1 adviser, if the Secretary of State shall find that such
2 registration is not necessary in the public interest by reason
3 of the small number of clients or otherwise limited character
4 of operation of such investment adviser.

5 B. An application for registration as a dealer or limited
6 Canadian dealer, executed, verified, or authenticated by or on
7 behalf of the applicant, shall be filed with the Secretary of
8 State, in such form as the Secretary of State may by rule,
9 regulation or order prescribe, setting forth or accompanied by:

10 (1) The name and address of the applicant, the location
11 of its principal business office and all branch offices, if
12 any, and the date of its organization;

13 (2) A statement of any other Federal or state licenses
14 or registrations which have been granted the applicant and
15 whether any such licenses or registrations have ever been
16 refused, cancelled, suspended, revoked or withdrawn;

17 (3) The assets and all liabilities, including
18 contingent liabilities of the applicant, as of a date not
19 more than 60 days prior to the filing of the application;

20 (4) (a) A brief description of any civil or criminal
21 proceeding of which fraud is an essential element pending
22 against the applicant and whether the applicant has ever
23 been convicted of a felony, or of any misdemeanor of which
24 fraud is an essential element;

25 (b) A list setting forth the name, residence and

1 business address and a 10 year occupational statement of
2 each principal of the applicant and a statement describing
3 briefly any civil or criminal proceedings of which fraud is
4 an essential element pending against any such principal and
5 the facts concerning any conviction of any such principal
6 of a felony, or of any misdemeanor of which fraud is an
7 essential element;

8 (5) If the applicant is a corporation: a list of its
9 officers and directors setting forth the residence and
10 business address of each; a 10-year occupational statement
11 of each such officer or director; and a statement
12 describing briefly any civil or criminal proceedings of
13 which fraud is an essential element pending against each
14 such officer or director and the facts concerning any
15 conviction of any officer or director of a felony, or of
16 any misdemeanor of which fraud is an essential element;

17 (6) If the applicant is a sole proprietorship, a
18 partnership, limited liability company, an unincorporated
19 association or any similar form of business organization:
20 the name, residence and business address of the proprietor
21 or of each partner, member, officer, director, trustee or
22 manager; the limitations, if any, of the liability of each
23 such individual; a 10-year occupational statement of each
24 such individual; a statement describing briefly any civil
25 or criminal proceedings of which fraud is an essential
26 element pending against each such individual and the facts

1 concerning any conviction of any such individual of a
2 felony, or of any misdemeanor of which fraud is an
3 essential element;

4 (7) Such additional information as the Secretary of
5 State may by rule or regulation prescribe as necessary to
6 determine the applicant's financial responsibility,
7 business repute and qualification to act as a dealer.

8 (8) (a) No applicant shall be registered or
9 re-registered as a dealer or limited Canadian dealer under
10 this Section unless and until each principal of the dealer
11 has passed an examination conducted by the Secretary of
12 State or a self-regulatory organization of securities
13 dealers or similar person, which examination has been
14 designated by the Secretary of State by rule, regulation or
15 order to be satisfactory for purposes of determining
16 whether the applicant has sufficient knowledge of the
17 securities business and laws relating thereto to act as a
18 registered dealer. Any dealer who was registered on
19 September 30, 1963, and has continued to be so registered;
20 and any principal of any registered dealer, who was acting
21 in such capacity on and continuously since September 30,
22 1963; and any individual who has previously passed a
23 securities dealer examination administered by the
24 Secretary of State or any examination designated by the
25 Secretary of State to be satisfactory for purposes of
26 determining whether the applicant has sufficient knowledge

1 of the securities business and laws relating thereto to act
2 as a registered dealer by rule, regulation or order, shall
3 not be required to pass an examination in order to continue
4 to act in such capacity. The Secretary of State may by
5 order waive the examination requirement for any principal
6 of an applicant for registration under this subsection B
7 who has had such experience or education relating to the
8 securities business as may be determined by the Secretary
9 of State to be the equivalent of such examination. Any
10 request for such a waiver shall be filed with the Secretary
11 of State in such form as may be prescribed by rule or
12 regulation.

13 (b) Unless an applicant is a member of the body
14 corporate known as the Securities Investor Protection
15 Corporation established pursuant to the Act of Congress of
16 the United States known as the Securities Investor
17 Protection Act of 1970, as amended, a member of an
18 association of dealers registered as a national securities
19 association pursuant to Section 15A of the Federal 1934
20 Act, or a member of a self-regulatory organization or stock
21 exchange in Canada which the Secretary of State has
22 designated by rule or order, an applicant shall not be
23 registered or re-registered unless and until there is filed
24 with the Secretary of State evidence that such applicant
25 has in effect insurance or other equivalent protection for
26 each client's cash or securities held by such applicant,

1 and an undertaking that such applicant will continually
2 maintain such insurance or other protection during the
3 period of registration or re-registration. Such insurance
4 or other protection shall be in a form and amount
5 reasonably prescribed by the Secretary of State by rule or
6 regulation.

7 (9) The application for the registration of a dealer or
8 limited Canadian dealer shall be accompanied by a filing
9 fee and a fee for each branch office in this State, in each
10 case in the amount established pursuant to Section 11a of
11 this Act, which fees shall not be returnable in any event.

12 (10) The Secretary of State shall notify the dealer or
13 limited Canadian dealer by written notice (which may be by
14 electronic or facsimile transmission) of the effectiveness
15 of the registration as a dealer in this State.

16 (11) Any change which renders no longer accurate any
17 information contained in any application for registration
18 or re-registration of a dealer or limited Canadian dealer
19 shall be reported to the Secretary of State within 10
20 business days after the occurrence of such change; but in
21 respect to assets and liabilities only materially adverse
22 changes need be reported.

23 C. Any registered dealer, limited Canadian dealer, issuer,
24 or controlling person desiring to register a salesperson shall
25 file an application with the Secretary of State, in such form

1 as the Secretary of State may by rule or regulation prescribe,
2 which the salesperson is required by this Section to provide to
3 the dealer, issuer, or controlling person, executed, verified,
4 or authenticated by the salesperson setting forth or
5 accompanied by:

6 (1) the name, residence and business address of the
7 salesperson;

8 (2) whether any federal or State license or
9 registration as dealer, limited Canadian dealer, or
10 salesperson has ever been refused the salesperson or
11 cancelled, suspended, revoked, withdrawn, barred, limited,
12 or otherwise adversely affected in a similar manner or
13 whether the salesperson has ever been censured or expelled;

14 (3) the nature of employment with, and names and
15 addresses of, employers of the salesperson for the 10 years
16 immediately preceding the date of application;

17 (4) a brief description of any civil or criminal
18 proceedings of which fraud is an essential element pending
19 against the salesperson, and whether the salesperson has
20 ever been convicted of a felony, or of any misdemeanor of
21 which fraud is an essential element;

22 (5) such additional information as the Secretary of
23 State may by rule, regulation or order prescribe as
24 necessary to determine the salesperson's business repute
25 and qualification to act as a salesperson; and

26 (6) no individual shall be registered or re-registered

1 as a salesperson under this Section unless and until such
2 individual has passed an examination conducted by the
3 Secretary of State or a self-regulatory organization of
4 securities dealers or similar person, which examination
5 has been designated by the Secretary of State by rule,
6 regulation or order to be satisfactory for purposes of
7 determining whether the applicant has sufficient knowledge
8 of the securities business and laws relating thereto to act
9 as a registered salesperson.

10 Any salesperson who was registered prior to September
11 30, 1963, and has continued to be so registered, and any
12 individual who has passed a securities salesperson
13 examination administered by the Secretary of State or an
14 examination designated by the Secretary of State by rule,
15 regulation or order to be satisfactory for purposes of
16 determining whether the applicant has sufficient knowledge
17 of the securities business and laws relating thereto to act
18 as a registered salesperson, shall not be required to pass
19 an examination in order to continue to act as a
20 salesperson. The Secretary of State may by order waive the
21 examination requirement for any applicant for registration
22 under this subsection C who has had such experience or
23 education relating to the securities business as may be
24 determined by the Secretary of State to be the equivalent
25 of such examination. Any request for such a waiver shall be
26 filed with the Secretary of State in such form as may be

1 prescribed by rule, regulation or order.

2 (7) The application for registration of a salesperson
3 shall be accompanied by a filing fee and a Securities Audit
4 and Enforcement Fund fee, each in the amount established
5 pursuant to Section 11a of this Act, which shall not be
6 returnable in any event.

7 (8) Any change which renders no longer accurate any
8 information contained in any application for registration
9 or re-registration as a salesperson shall be reported to
10 the Secretary of State within 10 business days after the
11 occurrence of such change. If the activities are terminated
12 which rendered an individual a salesperson for the dealer,
13 issuer or controlling person, the dealer, issuer or
14 controlling person, as the case may be, shall notify the
15 Secretary of State, in writing, within 30 days of the
16 salesperson's cessation of activities, using the
17 appropriate termination notice form.

18 (9) A registered salesperson may transfer his or her
19 registration under this Section 8 for the unexpired term
20 thereof from one registered dealer or limited Canadian
21 dealer to another by the giving of notice of the transfer
22 by the new registered dealer or limited Canadian dealer to
23 the Secretary of State in such form and subject to such
24 conditions as the Secretary of State shall by rule or
25 regulation prescribe. The new registered dealer or limited
26 Canadian dealer shall promptly file an application for

1 registration of such salesperson as provided in this
2 subsection C, accompanied by the filing fee prescribed by
3 paragraph (7) of this subsection C.

4 C-5. Except with respect to federal covered investment
5 advisers whose only clients are investment companies as defined
6 in the Federal 1940 Act, other investment advisers, federal
7 covered investment advisers, or any similar person which the
8 Secretary of State may prescribe by rule or order, a federal
9 covered investment adviser shall file with the Secretary of
10 State, prior to acting as a federal covered investment adviser
11 in this State, such documents as have been filed with the
12 Securities and Exchange Commission as the Secretary of State by
13 rule or order may prescribe. The notification of a federal
14 covered investment adviser shall be accompanied by a
15 notification filing fee established pursuant to Section 11a of
16 this Act, which shall not be returnable in any event. Every
17 person acting as a federal covered investment adviser in this
18 State shall file a notification filing and pay an annual
19 notification filing fee established pursuant to Section 11a of
20 this Act, which is not returnable in any event. The failure to
21 file any such notification shall constitute a violation of
22 subsection D of Section 12 of this Act, subject to the
23 penalties enumerated in Section 14 of this Act. Until October
24 10, 1999 or other date as may be legally permissible, a federal
25 covered investment adviser who fails to file the notification

1 or refuses to pay the fees as required by this subsection shall
2 register as an investment adviser with the Secretary of State
3 under Section 8 of this Act. The civil remedies provided for in
4 subsection A of Section 13 of this Act and the civil remedies
5 of rescission and appointment of receiver, conservator,
6 ancillary receiver, or ancillary conservator provided for in
7 subsection F of Section 13 of this Act shall not be available
8 against any person by reason of the failure to file any such
9 notification or to pay the notification fee or on account of
10 the contents of any such notification.

11 D. An application for registration as an investment
12 adviser, executed, verified, or authenticated by or on behalf
13 of the applicant, shall be filed with the Secretary of State,
14 in such form as the Secretary of State may by rule or
15 regulation prescribe, setting forth or accompanied by:

16 (1) The name and form of organization under which the
17 investment adviser engages or intends to engage in
18 business; the state or country and date of its
19 organization; the location of the adviser's principal
20 business office and branch offices, if any; the names and
21 addresses of the adviser's principal, partners, officers,
22 directors, and persons performing similar functions or, if
23 the investment adviser is an individual, of the individual;
24 and the number of the adviser's employees who perform
25 investment advisory functions;

1 (2) The education, the business affiliations for the
2 past 10 years, and the present business affiliations of the
3 investment adviser and of the adviser's principal,
4 partners, officers, directors, and persons performing
5 similar functions and of any person controlling the
6 investment adviser;

7 (3) The nature of the business of the investment
8 adviser, including the manner of giving advice and
9 rendering analyses or reports;

10 (4) The nature and scope of the authority of the
11 investment adviser with respect to clients' funds and
12 accounts;

13 (5) The basis or bases upon which the investment
14 adviser is compensated;

15 (6) Whether the investment adviser or any principal,
16 partner, officer, director, person performing similar
17 functions or person controlling the investment adviser (i)
18 within 10 years of the filing of the application has been
19 convicted of a felony, or of any misdemeanor of which fraud
20 is an essential element, or (ii) is permanently or
21 temporarily enjoined by order or judgment from acting as an
22 investment adviser, underwriter, dealer, principal or
23 salesperson, or from engaging in or continuing any conduct
24 or practice in connection with any such activity or in
25 connection with the purchase or sale of any security, and
26 in each case the facts relating to the conviction, order or

1 judgment;

2 (7) (a) A statement as to whether the investment
3 adviser is engaged or is to engage primarily in the
4 business of rendering investment supervisory services; and

5 (b) A statement that the investment adviser will
6 furnish his, her, or its clients with such information as
7 the Secretary of State deems necessary in the form
8 prescribed by the Secretary of State by rule or regulation;

9 (8) Such additional information as the Secretary of
10 State may, by rule, regulation or order prescribe as
11 necessary to determine the applicant's financial
12 responsibility, business repute and qualification to act
13 as an investment adviser.

14 (9) No applicant shall be registered or re-registered
15 as an investment adviser under this Section unless and
16 until each principal of the applicant who is actively
17 engaged in the conduct and management of the applicant's
18 advisory business in this State has passed an examination
19 or completed an educational program conducted by the
20 Secretary of State or an association of investment advisers
21 or similar person, which examination or educational
22 program has been designated by the Secretary of State by
23 rule, regulation or order to be satisfactory for purposes
24 of determining whether the applicant has sufficient
25 knowledge of the securities business and laws relating
26 thereto to conduct the business of a registered investment

1 adviser.

2 Any person who was a registered investment adviser
3 prior to September 30, 1963, and has continued to be so
4 registered, and any individual who has passed an investment
5 adviser examination administered by the Secretary of
6 State, or passed an examination or completed an educational
7 program designated by the Secretary of State by rule,
8 regulation or order to be satisfactory for purposes of
9 determining whether the applicant has sufficient knowledge
10 of the securities business and laws relating thereto to
11 conduct the business of a registered investment adviser,
12 shall not be required to pass an examination or complete an
13 educational program in order to continue to act as an
14 investment adviser. The Secretary of State may by order
15 waive the examination or educational program requirement
16 for any applicant for registration under this subsection D
17 if the principal of the applicant who is actively engaged
18 in the conduct and management of the applicant's advisory
19 business in this State has had such experience or education
20 relating to the securities business as may be determined by
21 the Secretary of State to be the equivalent of the
22 examination or educational program. Any request for a
23 waiver shall be filed with the Secretary of State in such
24 form as may be prescribed by rule or regulation.

25 (10) No applicant shall be registered or re-registered
26 as an investment adviser under this Section 8 unless the

1 application for registration or re-registration is
2 accompanied by an application for registration or
3 re-registration for each person acting as an investment
4 adviser representative on behalf of the adviser and a
5 Securities Audit and Enforcement Fund fee that shall not be
6 returnable in any event is paid with respect to each
7 investment adviser representative.

8 (11) The application for registration of an investment
9 adviser shall be accompanied by a filing fee and a fee for
10 each branch office in this State, in each case in the
11 amount established pursuant to Section 11a of this Act,
12 which fees shall not be returnable in any event.

13 (12) The Secretary of State shall notify the investment
14 adviser by written notice (which may be by electronic or
15 facsimile transmission) of the effectiveness of the
16 registration as an investment adviser in this State.

17 (13) Any change which renders no longer accurate any
18 information contained in any application for registration
19 or re-registration of an investment adviser shall be
20 reported to the Secretary of State within 10 business days
21 after the occurrence of the change. In respect to assets
22 and liabilities of an investment adviser that retains
23 custody of clients' cash or securities or accepts
24 pre-payment of fees in excess of \$500 per client and 6 or
25 more months in advance only materially adverse changes need
26 be reported by written notice (which may be by electronic

1 or facsimile transmission) no later than the close of
2 business on the second business day following the discovery
3 thereof.

4 (14) Each application for registration as an
5 investment adviser shall become effective automatically on
6 the 45th day following the filing of the application,
7 required documents or information, and payment of the
8 required fee unless (i) the Secretary of State has
9 registered the investment adviser prior to that date or
10 (ii) an action with respect to the applicant is pending
11 under Section 11 of this Act.

12 D-5. A registered investment adviser or federal covered
13 investment adviser desiring to register an investment adviser
14 representative shall file an application with the Secretary of
15 State, in the form as the Secretary of State may by rule or
16 order prescribe, which the investment adviser representative
17 is required by this Section to provide to the investment
18 adviser, executed, verified, or authenticated by the
19 investment adviser representative and setting forth or
20 accompanied by:

21 (1) The name, residence, and business address of the
22 investment adviser representative;

23 (2) A statement whether any federal or state license or
24 registration as a dealer, salesperson, investment adviser,
25 or investment adviser representative has ever been

1 refused, canceled, suspended, revoked or withdrawn;

2 (3) The nature of employment with, and names and
3 addresses of, employers of the investment adviser
4 representative for the 10 years immediately preceding the
5 date of application;

6 (4) A brief description of any civil or criminal
7 proceedings, of which fraud is an essential element,
8 pending against the investment adviser representative and
9 whether the investment adviser representative has ever
10 been convicted of a felony or of any misdemeanor of which
11 fraud is an essential element;

12 (5) Such additional information as the Secretary of
13 State may by rule or order prescribe as necessary to
14 determine the investment adviser representative's business
15 repute or qualification to act as an investment adviser
16 representative;

17 (6) Documentation that the individual has passed an
18 examination conducted by the Secretary of State, an
19 organization of investment advisers, or similar person,
20 which examination has been designated by the Secretary of
21 State by rule or order to be satisfactory for purposes of
22 determining whether the applicant has sufficient knowledge
23 of the investment advisory or securities business and laws
24 relating to that business to act as a registered investment
25 adviser representative; and

26 (7) A Securities Audit and Enforcement Fund fee

1 established under Section 11a of this Act, which shall not
2 be returnable in any event.

3 The Secretary of State may by order waive the examination
4 requirement for an applicant for registration under this
5 subsection D-5 who has had the experience or education relating
6 to the investment advisory or securities business as may be
7 determined by the Secretary of State to be the equivalent of
8 the examination. A request for a waiver shall be filed with the
9 Secretary of State in the form as may be prescribed by rule or
10 order.

11 A change that renders no longer accurate any information
12 contained in any application for registration or
13 re-registration as an investment adviser representative must
14 be reported to the Secretary of State within 10 business days
15 after the occurrence of the change. If the activities that
16 rendered an individual an investment adviser representative
17 for the investment adviser are terminated, the investment
18 adviser shall notify the Secretary of State in writing (which
19 may be by electronic or facsimile transmission), within 30 days
20 of the investment adviser representative's termination, using
21 the appropriate termination notice form as the Secretary of
22 State may prescribe by rule or order.

23 A registered investment adviser representative may
24 transfer his or her registration under this Section 8 for the
25 unexpired term of the registration from one registered
26 investment adviser to another by the giving of notice of the

1 transfer by the new investment adviser to the Secretary of
2 State in the form and subject to the conditions as the
3 Secretary of State shall prescribe. The new registered
4 investment adviser shall promptly file an application for
5 registration of the investment adviser representative as
6 provided in this subsection, accompanied by the Securities
7 Audit and Enforcement Fund fee prescribed by paragraph (7) of
8 this subsection D-5.

9 E. (1) Subject to the provisions of subsection F of Section
10 11 of this Act, the registration of a dealer, limited Canadian
11 dealer, salesperson, investment adviser, or investment adviser
12 representative may be denied, suspended or revoked if the
13 Secretary of State finds that the dealer, limited Canadian
14 dealer, Internet portal, salesperson, investment adviser, or
15 investment adviser representative or any principal officer,
16 director, partner, member, trustee, manager or any person who
17 performs a similar function of the dealer, limited Canadian
18 dealer, Internet portal, or investment adviser:

19 (a) has been convicted of any felony during the 10 year
20 period preceding the date of filing of any application for
21 registration or at any time thereafter, or of any
22 misdemeanor of which fraud is an essential element;

23 (b) has engaged in any unethical practice in connection
24 with any security, or in any fraudulent business practice;

25 (c) has failed to account for any money or property, or

1 has failed to deliver any security, to any person entitled
2 thereto when due or within a reasonable time thereafter;

3 (d) in the case of a dealer, limited Canadian dealer,
4 or investment adviser, is insolvent;

5 (e) in the case of a dealer, limited Canadian dealer,
6 salesperson, or registered principal of a dealer or limited
7 Canadian dealer (i) has failed reasonably to supervise the
8 securities activities of any of its salespersons or other
9 employees and the failure has permitted or facilitated a
10 violation of Section 12 of this Act or (ii) is offering or
11 selling or has offered or sold securities in this State
12 through a salesperson other than a registered salesperson,
13 or, in the case of a salesperson, is selling or has sold
14 securities in this State for a dealer, limited Canadian
15 dealer, issuer or controlling person with knowledge that
16 the dealer, limited Canadian dealer, issuer or controlling
17 person has not complied with the provisions of this Act or
18 (iii) has failed reasonably to supervise the
19 implementation of compliance measures following notice by
20 the Secretary of State of noncompliance with the Act or
21 with the regulations promulgated thereunder or both or (iv)
22 has failed to maintain and enforce written procedures to
23 supervise the types of business in which it engages and to
24 supervise the activities of its salespersons that are
25 reasonably designed to achieve compliance with applicable
26 securities laws and regulations;

1 (f) in the case of an investment adviser, has failed
2 reasonably to supervise the advisory activities of any of
3 its investment adviser representatives or employees and
4 the failure has permitted or facilitated a violation of
5 Section 12 of this Act;

6 (g) has violated any of the provisions of this Act;

7 (h) has made any material misrepresentation to the
8 Secretary of State in connection with any information
9 deemed necessary by the Secretary of State to determine a
10 dealer's, limited Canadian dealer's, or investment
11 adviser's financial responsibility or a dealer's, limited
12 Canadian dealer's, investment adviser's, salesperson's, or
13 investment adviser representative's business reputé or
14 qualifications, or has refused to furnish any such
15 information requested by the Secretary of State;

16 (i) has had a license or registration under any Federal
17 or State law regulating securities, commodity futures
18 contracts, or stock futures contracts refused, cancelled,
19 suspended, withdrawn, revoked, or otherwise adversely
20 affected in a similar manner;

21 (j) has had membership in or association with any
22 self-regulatory organization registered under the Federal
23 1934 Act or the Federal 1974 Act suspended, revoked,
24 refused, expelled, cancelled, barred, limited in any
25 capacity, or otherwise adversely affected in a similar
26 manner arising from any fraudulent or deceptive act or a

1 practice in violation of any rule, regulation or standard
2 duly promulgated by the self-regulatory organization;

3 (k) has had any order entered against it after notice
4 and opportunity for hearing by a securities agency of any
5 state, any foreign government or agency thereof, the
6 Securities and Exchange Commission, or the Federal
7 Commodities Futures Trading Commission arising from any
8 fraudulent or deceptive act or a practice in violation of
9 any statute, rule or regulation administered or
10 promulgated by the agency or commission;

11 (l) in the case of a dealer or limited Canadian dealer,
12 fails to maintain a minimum net capital in an amount which
13 the Secretary of State may by rule or regulation require;

14 (m) has conducted a continuing course of dealing of
15 such nature as to demonstrate an inability to properly
16 conduct the business of the dealer, limited Canadian
17 dealer, salesperson, investment adviser, or investment
18 adviser representative;

19 (n) has had, after notice and opportunity for hearing,
20 any injunction or order entered against it or license or
21 registration refused, cancelled, suspended, revoked,
22 withdrawn, limited, or otherwise adversely affected in a
23 similar manner by any state or federal body, agency or
24 commission regulating banking, insurance, finance or small
25 loan companies, real estate or mortgage brokers or
26 companies, if the action resulted from any act found by the

1 body, agency or commission to be a fraudulent or deceptive
2 act or practice in violation of any statute, rule or
3 regulation administered or promulgated by the body, agency
4 or commission;

5 (o) has failed to file a return, or to pay the tax,
6 penalty or interest shown in a filed return, or to pay any
7 final assessment of tax, penalty or interest, as required
8 by any tax Act administered by the Illinois Department of
9 Revenue, until such time as the requirements of that tax
10 Act are satisfied;

11 (p) (blank); ~~in the case of a natural person who is a~~
12 ~~dealer, limited Canadian dealer, salesperson, investment~~
13 ~~adviser, or investment adviser representative, has~~
14 ~~defaulted on an educational loan guaranteed by the Illinois~~
15 ~~Student Assistance Commission, until the natural person~~
16 ~~has established a satisfactory repayment record as~~
17 ~~determined by the Illinois Student Assistance Commission;~~

18 (q) has failed to maintain the books and records
19 required under this Act or rules or regulations promulgated
20 under this Act or under any requirements established by the
21 Securities and Exchange Commission or a self-regulatory
22 organization;

23 (r) has refused to allow or otherwise impeded designees
24 of the Secretary of State from conducting an audit,
25 examination, inspection, or investigation provided for
26 under Section 8 or 11 of this Act;

1 (s) has failed to maintain any minimum net capital or
2 bond requirement set forth in this Act or any rule or
3 regulation promulgated under this Act;

4 (t) has refused the Secretary of State or his or her
5 designee access to any office or location within an office
6 to conduct an investigation, audit, examination, or
7 inspection;

8 (u) has advised or caused a public pension fund or
9 retirement system established under the Illinois Pension
10 Code to make an investment or engage in a transaction not
11 authorized by that Code;

12 (v) if a corporation, limited liability company, or
13 limited liability partnership has been suspended,
14 canceled, revoked, or has failed to register as a foreign
15 corporation, limited liability company, or limited
16 liability partnership with the Secretary of State;

17 (w) is permanently or temporarily enjoined by any court
18 of competent jurisdiction, including any state, federal,
19 or foreign government, from engaging in or continuing any
20 conduct or practice involving any aspect of the securities
21 or commodities business or in any other business where the
22 conduct or practice enjoined involved investments,
23 franchises, insurance, banking, or finance;

24 (2) If the Secretary of State finds that any registrant or
25 applicant for registration is no longer in existence or has
26 ceased to do business as a dealer, limited Canadian dealer,

1 Internet portal, salesperson, investment adviser, or
2 investment adviser representative, or is subject to an
3 adjudication as a person under legal disability or to the
4 control of a guardian, or cannot be located after reasonable
5 search, or has failed after written notice to pay to the
6 Secretary of State any additional fee prescribed by this
7 Section or specified by rule or regulation, ~~or if a natural~~
8 ~~person, has defaulted on an educational loan guaranteed by the~~
9 ~~Illinois Student Assistance Commission,~~ the Secretary of State
10 may by order cancel the registration or application.

11 (3) Withdrawal of an application for registration or
12 withdrawal from registration as a dealer, limited Canadian
13 dealer, salesperson, investment adviser, or investment adviser
14 representative becomes effective 30 days after receipt of an
15 application to withdraw or within such shorter period of time
16 as the Secretary of State may determine, unless any proceeding
17 is pending under Section 11 of this Act when the application is
18 filed or a proceeding is instituted within 30 days after the
19 application is filed. If a proceeding is pending or instituted,
20 withdrawal becomes effective at such time and upon such
21 conditions as the Secretary of State by order determines. If no
22 proceeding is pending or instituted and withdrawal
23 automatically becomes effective, the Secretary of State may
24 nevertheless institute a revocation or suspension proceeding
25 within 2 years after withdrawal became effective and enter a
26 revocation or suspension order as of the last date on which

1 registration was effective.

2 F. The Secretary of State shall make available upon request
3 the date that each dealer, investment adviser, salesperson, or
4 investment adviser representative was granted registration,
5 together with the name and address of the dealer, limited
6 Canadian dealer, or issuer on whose behalf the salesperson is
7 registered, and all orders of the Secretary of State denying or
8 abandoning an application, or suspending or revoking
9 registration, or censuring the persons. The Secretary of State
10 may designate by rule, regulation or order the statements,
11 information or reports submitted to or filed with him or her
12 pursuant to this Section 8 which the Secretary of State
13 determines are of a sensitive nature and therefore should be
14 exempt from public disclosure. Any such statement, information
15 or report shall be deemed confidential and shall not be
16 disclosed to the public except upon the consent of the person
17 filing or submitting the statement, information or report or by
18 order of court or in court proceedings.

19 G. The registration or re-registration of a dealer or
20 limited Canadian dealer and of all salespersons registered upon
21 application of the dealer or limited Canadian dealer shall
22 expire on the next succeeding anniversary date of the
23 registration or re-registration of the dealer; and the
24 registration or re-registration of an investment adviser and of

1 all investment adviser representatives registered upon
2 application of the investment adviser shall expire on the next
3 succeeding anniversary date of the registration of the
4 investment adviser; provided, that the Secretary of State may
5 by rule or regulation prescribe an alternate date which any
6 dealer registered under the Federal 1934 Act or a member of any
7 self-regulatory association approved pursuant thereto, a
8 member of a self-regulatory organization or stock exchange in
9 Canada, or any investment adviser may elect as the expiration
10 date of its dealer or limited Canadian dealer and salesperson
11 registrations, or the expiration date of its investment adviser
12 registration, as the case may be. A registration of a
13 salesperson registered upon application of an issuer or
14 controlling person shall expire on the next succeeding
15 anniversary date of the registration, or upon termination or
16 expiration of the registration of the securities, if any,
17 designated in the application for his or her registration or
18 the alternative date as the Secretary may prescribe by rule or
19 regulation. Subject to paragraph (9) of subsection C of this
20 Section 8, a salesperson's registration also shall terminate
21 upon cessation of his or her employment, or termination of his
22 or her appointment or authorization, in each case by the person
23 who applied for the salesperson's registration, provided that
24 the Secretary of State may by rule or regulation prescribe an
25 alternate date for the expiration of the registration.

1 H. Applications for re-registration of dealers, limited
2 Canadian dealers, Internet portals, salespersons, investment
3 advisers, and investment adviser representatives shall be
4 filed with the Secretary of State prior to the expiration of
5 the then current registration and shall contain such
6 information as may be required by the Secretary of State upon
7 initial application with such omission therefrom or addition
8 thereto as the Secretary of State may authorize or prescribe.
9 Each application for re-registration of a dealer, limited
10 Canadian dealer, Internet portal, or investment adviser shall
11 be accompanied by a filing fee, each application for
12 re-registration as a salesperson shall be accompanied by a
13 filing fee and a Securities Audit and Enforcement Fund fee
14 established pursuant to Section 11a of this Act, and each
15 application for re-registration as an investment adviser
16 representative shall be accompanied by a Securities Audit and
17 Enforcement Fund fee established under Section 11a of this Act,
18 which shall not be returnable in any event. Notwithstanding the
19 foregoing, applications for re-registration of dealers,
20 limited Canadian dealers, Internet portals, and investment
21 advisers may be filed within 30 days following the expiration
22 of the registration provided that the applicant pays the annual
23 registration fee together with an additional amount equal to
24 the annual registration fee and files any other information or
25 documents that the Secretary of State may prescribe by rule or
26 regulation or order. Any application filed within 30 days

1 following the expiration of the registration shall be
2 automatically effective as of the time of the earlier
3 expiration provided that the proper fee has been paid to the
4 Secretary of State.

5 Each registered dealer, limited Canadian dealer, Internet
6 portal, or investment adviser shall continue to be registered
7 if the registrant changes his, her, or its form of organization
8 provided that the dealer or investment adviser files an
9 amendment to his, her, or its application not later than 30
10 days following the occurrence of the change and pays the
11 Secretary of State a fee in the amount established under
12 Section 11a of this Act.

13 I. (1) Every registered dealer, limited Canadian dealer,
14 Internet portal, and investment adviser shall make and keep for
15 such periods, such accounts, correspondence, memoranda,
16 papers, books and records as the Secretary of State may by rule
17 or regulation prescribe. All records so required shall be
18 preserved for 3 years unless the Secretary of State by rule,
19 regulation or order prescribes otherwise for particular types
20 of records.

21 (2) Every registered dealer, limited Canadian dealer,
22 Internet portal, and investment adviser shall file such
23 financial reports as the Secretary of State may by rule or
24 regulation prescribe.

25 (3) All the books and records referred to in paragraph (1)

1 of this subsection I are subject at any time or from time to
2 time to such reasonable periodic, special or other audits,
3 examinations, or inspections by representatives of the
4 Secretary of State, within or without this State, as the
5 Secretary of State deems necessary or appropriate in the public
6 interest or for the protection of investors.

7 (4) At the time of an audit, examination, or inspection,
8 the Secretary of State, by his or her designees, may conduct an
9 interview of any person employed or appointed by or affiliated
10 with a registered dealer, limited Canadian dealer, Internet
11 portal, or investment advisor, provided that the dealer,
12 limited Canadian dealer, Internet portal, or investment
13 advisor shall be given reasonable notice of the time and place
14 for the interview. At the option of the dealer, limited
15 Canadian dealer, Internet portal, or investment advisor, a
16 representative of the dealer or investment advisor with
17 supervisory responsibility over the individual being
18 interviewed may be present at the interview.

19 J. The Secretary of State may require by rule or regulation
20 the payment of an additional fee for the filing of information
21 or documents required to be filed by this Section which have
22 not been filed in a timely manner. The Secretary of State may
23 also require by rule or regulation the payment of an
24 examination fee for administering any examination which it may
25 conduct pursuant to subsection B, C, D, or D-5 of this Section

1 8.

2 K. The Secretary of State may declare any application for
3 registration or limited registration under this Section 8
4 abandoned by order if the applicant fails to pay any fee or
5 file any information or document required under this Section 8
6 or by rule or regulation for more than 30 days after the
7 required payment or filing date. The applicant may petition the
8 Secretary of State for a hearing within 15 days after the
9 applicant's receipt of the order of abandonment, provided that
10 the petition sets forth the grounds upon which the applicant
11 seeks a hearing.

12 L. Any document being filed pursuant to this Section 8
13 shall be deemed filed, and any fee being paid pursuant to this
14 Section 8 shall be deemed paid, upon the date of actual receipt
15 thereof by the Secretary of State or his or her designee.

16 M. (Blank). ~~The Secretary of State shall provide to the~~
17 ~~Illinois Student Assistance Commission annually or at mutually~~
18 ~~agreed periodic intervals the names and social security numbers~~
19 ~~of natural persons registered under subsections B, C, D, and~~
20 ~~D-5 of this Section. The Illinois Student Assistance Commission~~
21 ~~shall determine if any student loan defaulter is registered as~~
22 ~~a dealer, limited Canadian dealer, Internet portal~~
23 ~~salesperson, or investment adviser under this Act and report~~

1 ~~its determination to the Secretary of State or his or her~~
2 ~~designee.~~

3 (Source: P.A. 99-182, eff. 1-1-16.)

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.