

SB2653



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2653

Introduced 2/8/2018, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

See Index

Amends various acts to remove provisions allowing or requiring licensing authorities to deny, not renew, suspend, or revoke professional licenses for defaulting on an educational loan or scholarship provided by or guaranteed by a State agency. Effective immediately.

LRB100 15975 SMS 31093 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-15 and 2105-207 as follows:

7 (20 ILCS 2105/2105-15)

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

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations; provided,
9 that no school, college, or university, or department of a
10 university, or other institution that refuses admittance
11 to applicants solely on account of race, color, creed, sex,
12 sexual orientation, or national origin shall be considered
13 reputable and in good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard to
18 licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities.

25 The Department shall issue a monthly disciplinary
26 report.

1 ~~The Department shall deny any license or renewal~~
2 ~~authorized by the Civil Administrative Code of Illinois to~~
3 ~~any person who has defaulted on an educational loan or~~
4 ~~scholarship provided by or guaranteed by the Illinois~~
5 ~~Student Assistance Commission or any governmental agency~~
6 ~~of this State; however, the Department may issue a license~~
7 ~~or renewal if the aforementioned persons have established a~~
8 ~~satisfactory repayment record as determined by the~~
9 ~~Illinois Student Assistance Commission or other~~
10 ~~appropriate governmental agency of this State.~~
11 ~~Additionally, beginning June 1, 1996, any license issued by~~
12 ~~the Department may be suspended or revoked if the~~
13 ~~Department, after the opportunity for a hearing under the~~
14 ~~appropriate licensing Act, finds that the licensee has~~
15 ~~failed to make satisfactory repayment to the Illinois~~
16 ~~Student Assistance Commission for a delinquent or~~
17 ~~defaulted loan. For the purposes of this Section,~~
18 ~~"satisfactory repayment record" shall be defined by rule.~~

19 The Department shall refuse to issue or renew a license
20 to, or shall suspend or revoke a license of, any person
21 who, after receiving notice, fails to comply with a
22 subpoena or warrant relating to a paternity or child
23 support proceeding. However, the Department may issue a
24 license or renewal upon compliance with the subpoena or
25 warrant.

26 The Department, without further process or hearings,

1 shall revoke, suspend, or deny any license or renewal
2 authorized by the Civil Administrative Code of Illinois to
3 a person who is certified by the Department of Healthcare
4 and Family Services (formerly Illinois Department of
5 Public Aid) as being more than 30 days delinquent in
6 complying with a child support order or who is certified by
7 a court as being in violation of the Non-Support Punishment
8 Act for more than 60 days. The Department may, however,
9 issue a license or renewal if the person has established a
10 satisfactory repayment record as determined by the
11 Department of Healthcare and Family Services (formerly
12 Illinois Department of Public Aid) or if the person is
13 determined by the court to be in compliance with the
14 Non-Support Punishment Act. The Department may implement
15 this paragraph as added by Public Act 89-6 through the use
16 of emergency rules in accordance with Section 5-45 of the
17 Illinois Administrative Procedure Act. For purposes of the
18 Illinois Administrative Procedure Act, the adoption of
19 rules to implement this paragraph shall be considered an
20 emergency and necessary for the public interest, safety,
21 and welfare.

22 (6) To transfer jurisdiction of any realty under the
23 control of the Department to any other department of the
24 State Government or to acquire or accept federal lands when
25 the transfer, acquisition, or acceptance is advantageous
26 to the State and is approved in writing by the Governor.

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

3 (8) To exchange with the Department of Healthcare and
4 Family Services information that may be necessary for the
5 enforcement of child support orders entered pursuant to the
6 Illinois Public Aid Code, the Illinois Marriage and
7 Dissolution of Marriage Act, the Non-Support of Spouse and
8 Children Act, the Non-Support Punishment Act, the Revised
9 Uniform Reciprocal Enforcement of Support Act, the Uniform
10 Interstate Family Support Act, the Illinois Parentage Act
11 of 1984, or the Illinois Parentage Act of 2015.
12 Notwithstanding any provisions in this Code to the
13 contrary, the Department of Professional Regulation shall
14 not be liable under any federal or State law to any person
15 for any disclosure of information to the Department of
16 Healthcare and Family Services (formerly Illinois
17 Department of Public Aid) under this paragraph (8) or for
18 any other action taken in good faith to comply with the
19 requirements of this paragraph (8).

20 (8.5) To accept continuing education credit for
21 mandated reporter training on how to recognize and report
22 child abuse offered by the Department of Children and
23 Family Services and completed by any person who holds a
24 professional license issued by the Department and who is a
25 mandated reporter under the Abused and Neglected Child
26 Reporting Act. The Department shall adopt any rules

1 necessary to implement this paragraph.

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

3 (a-5) Except in ~~cases involving default on an educational~~
4 ~~loan or scholarship provided by or guaranteed by the Illinois~~
5 ~~Student Assistance Commission or any governmental agency of~~
6 ~~this State or in~~ cases involving delinquency in complying with
7 a child support order or violation of the Non-Support
8 Punishment Act and notwithstanding anything that may appear in
9 any individual licensing Act or administrative rule, no person
10 or entity whose license, certificate, or authority has been
11 revoked as authorized in any licensing Act administered by the
12 Department may apply for restoration of that license,
13 certification, or authority until 3 years after the effective
14 date of the revocation.

15 (b) (Blank).

16 (c) For the purpose of securing and preparing evidence, and
17 for the purchase of controlled substances, professional
18 services, and equipment necessary for enforcement activities,
19 recoupment of investigative costs, and other activities
20 directed at suppressing the misuse and abuse of controlled
21 substances, including those activities set forth in Sections
22 504 and 508 of the Illinois Controlled Substances Act, the
23 Director and agents appointed and authorized by the Director
24 may expend sums from the Professional Regulation Evidence Fund
25 that the Director deems necessary from the amounts appropriated
26 for that purpose. Those sums may be advanced to the agent when

1 the Director deems that procedure to be in the public interest.
2 Sums for the purchase of controlled substances, professional
3 services, and equipment necessary for enforcement activities
4 and other activities as set forth in this Section shall be
5 advanced to the agent who is to make the purchase from the
6 Professional Regulation Evidence Fund on vouchers signed by the
7 Director. The Director and those agents are authorized to
8 maintain one or more commercial checking accounts with any
9 State banking corporation or corporations organized under or
10 subject to the Illinois Banking Act for the deposit and
11 withdrawal of moneys to be used for the purposes set forth in
12 this Section; provided, that no check may be written nor any
13 withdrawal made from any such account except upon the written
14 signatures of 2 persons designated by the Director to write
15 those checks and make those withdrawals. Vouchers for those
16 expenditures must be signed by the Director. All such
17 expenditures shall be audited by the Director, and the audit
18 shall be submitted to the Department of Central Management
19 Services for approval.

20 (d) Whenever the Department is authorized or required by
21 law to consider some aspect of criminal history record
22 information for the purpose of carrying out its statutory
23 powers and responsibilities, then, upon request and payment of
24 fees in conformance with the requirements of Section 2605-400
25 of the Department of State Police Law (20 ILCS 2605/2605-400),
26 the Department of State Police is authorized to furnish,

1 pursuant to positive identification, the information contained
2 in State files that is necessary to fulfill the request.

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

6 (f) (Blank).

7 (g) Notwithstanding anything that may appear in any
8 individual licensing statute or administrative rule, the
9 Department shall deny any license application or renewal
10 authorized under any licensing Act administered by the
11 Department to any person who has failed to file a return, or to
12 pay the tax, penalty, or interest shown in a filed return, or
13 to pay any final assessment of tax, penalty, or interest, as
14 required by any tax Act administered by the Illinois Department
15 of Revenue, until such time as the requirement of any such tax
16 Act are satisfied; however, the Department may issue a license
17 or renewal if the person has established a satisfactory
18 repayment record as determined by the Illinois Department of
19 Revenue. For the purpose of this Section, "satisfactory
20 repayment record" shall be defined by rule.

21 In addition, a complaint filed with the Department by the
22 Illinois Department of Revenue that includes a certification,
23 signed by its Director or designee, attesting to the amount of
24 the unpaid tax liability or the years for which a return was
25 not filed, or both, is prima facie evidence of the licensee's
26 failure to comply with the tax laws administered by the

1 Illinois Department of Revenue. Upon receipt of that
2 certification, the Department shall, without a hearing,
3 immediately suspend all licenses held by the licensee.
4 Enforcement of the Department's order shall be stayed for 60
5 days. The Department shall provide notice of the suspension to
6 the licensee by mailing a copy of the Department's order to the
7 licensee's address of record or emailing a copy of the order to
8 the licensee's email address of record. The notice shall advise
9 the licensee that the suspension shall be effective 60 days
10 after the issuance of the Department's order unless the
11 Department receives, from the licensee, a request for a hearing
12 before the Department to dispute the matters contained in the
13 order.

14 Any suspension imposed under this subsection (g) shall be
15 terminated by the Department upon notification from the
16 Illinois Department of Revenue that the licensee is in
17 compliance with all tax laws administered by the Illinois
18 Department of Revenue.

19 The Department may promulgate rules for the administration
20 of this subsection (g).

21 (h) The Department may grant the title "Retired", to be
22 used immediately adjacent to the title of a profession
23 regulated by the Department, to eligible retirees. For
24 individuals licensed under the Medical Practice Act of 1987,
25 the title "Retired" may be used in the profile required by the
26 Patients' Right to Know Act. The use of the title "Retired"

1 shall not constitute representation of current licensure,
2 registration, or certification. Any person without an active
3 license, registration, or certificate in a profession that
4 requires licensure, registration, or certification shall not
5 be permitted to practice that profession.

6 (i) Within 180 days after December 23, 2009 (the effective
7 date of Public Act 96-852), the Department shall promulgate
8 rules which permit a person with a criminal record, who seeks a
9 license or certificate in an occupation for which a criminal
10 record is not expressly a per se bar, to apply to the
11 Department for a non-binding, advisory opinion to be provided
12 by the Board or body with the authority to issue the license or
13 certificate as to whether his or her criminal record would bar
14 the individual from the licensure or certification sought,
15 should the individual meet all other licensure requirements
16 including, but not limited to, the successful completion of the
17 relevant examinations.

18 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,
19 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;
20 100-262, eff. 8-22-17; revised 10-4-17.)

21 (20 ILCS 2105/2105-207)

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

23 (a) Any licensee subject to a licensing Act administered by
24 the Division of Professional Regulation and who has been
25 subject to disciplinary action by the Department may file an

1 application with the Department on forms provided by the
2 Department, along with the required fee of \$175, to have the
3 records classified as confidential, not for public release, and
4 considered expunged for reporting purposes if:

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

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

11 (3) the Department has no pending investigations
12 against the licensee; and

13 (4) the licensee is not currently in a disciplinary
14 status.

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

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

19 (2) continuing education;

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

21 (4) failure to obtain or renew a certificate of
22 registration or ancillary license;

23 (5) advertising;

24 (5.1) discipline based on criminal charges or
25 convictions:

26 (A) that did not arise from the licensed activity

1 and was unrelated to the licensed activity; or

2 (B) that were dismissed or for which records have
3 been sealed or expunged;

4 (5.2) past probationary status of a license issued to
5 new applicants on the sole or partial basis of prior
6 convictions; or

7 (6) any grounds for discipline removed from the
8 licensing Act.

9 (c) An application shall be submitted to and considered by
10 the Director of the Division of Professional Regulation upon
11 submission of an application and the required non-refundable
12 fee. The Department may establish additional requirements by
13 rule. The Department is not required to report the removal of
14 any disciplinary record to any national database. Nothing in
15 this Section shall prohibit the Department from using a
16 previous discipline for any regulatory purpose or from
17 releasing records of a previous discipline upon request from
18 law enforcement, or other governmental body as permitted by
19 law. Classification of records as confidential shall result in
20 removal of records of discipline from records kept pursuant to
21 Sections 2105-200 and 2105-205 of this Act.

22 (d) Any applicant for licensure or a licensee whose
23 petition for review is granted by the Department pursuant to
24 subsection (a-1) of Section 2105-165 of this Law may file an
25 application with the Department on forms provided by the
26 Department to have records relating to his or her permanent

1 denial or permanent revocation classified as confidential and
2 not for public release and considered expunged for reporting
3 purposes in the same manner and under the same terms as is
4 provided in this Section for the offenses listed in subsection
5 (b) of this Section, except that the requirements of a 7-year
6 waiting period and the \$200 application fee do not apply.
7 (Source: P.A. 100-262, eff. 8-22-17; 100-286, eff. 1-1-18;
8 revised 10-4-17.)

9 Section 10. The Illinois Athletic Trainers Practice Act is
10 amended by changing Section 16 as follows:

11 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

13 Sec. 16. Grounds for discipline.

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

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

22 (B) Violations of this Act, or of the rules or
23 regulations promulgated hereunder;

24 (C) Conviction of or plea of guilty to any crime under

1 the Criminal Code of 2012 or the laws of any jurisdiction
2 of the United States that is (i) a felony, (ii) a
3 misdemeanor, an essential element of which is dishonesty,
4 or (iii) of any crime that is directly related to the
5 practice of the profession;

6 (D) 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 (E) Professional incompetence or gross negligence;

10 (F) Malpractice;

11 (G) Aiding or assisting another person, firm,
12 partnership, or corporation in violating any provision of
13 this Act or rules;

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

16 (I) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud or harm the public;

19 (J) Habitual or excessive use or abuse of drugs defined
20 in law as controlled substances, alcohol, or any other
21 substance that results in the inability to practice with
22 reasonable judgment, skill, or safety;

23 (K) Discipline by another state, unit of government,
24 government agency, the District of Columbia, territory, or
25 foreign nation, if at least one of the grounds for the
26 discipline is the same or substantially equivalent to those

1 set forth herein;

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

17 (M) A finding by the Department that the licensee after
18 having his or her license disciplined has violated the
19 terms of probation;

20 (N) Abandonment of an athlete;

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

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

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

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

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

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

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

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

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

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

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

4 (Y) (Blank);

5 (Z) Failure to fulfill continuing education
6 requirements;

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

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

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

14 (DD) Gross, willful, or continued overcharging for
15 professional services;

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

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

21 All fines imposed under this Section shall be paid within
22 60 days after the effective date of the order imposing the fine
23 or in accordance with the terms set forth in the order imposing
24 the fine.

25 (2) The determination by a circuit court that a licensee is
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental Disabilities
2 Code operates as an automatic suspension. Such suspension will
3 end only upon a finding by a court that the licensee is no
4 longer subject to involuntary admission or judicial admission
5 and issuance of an order so finding and discharging the
6 licensee.

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

18 (4) In enforcing this Section, the Department, upon a
19 showing of a possible violation, may compel any individual who
20 is licensed under this Act or any individual who has applied
21 for licensure to submit to a mental or physical examination or
22 evaluation, or both, which may include a substance abuse or
23 sexual offender evaluation, at the expense of the Department.
24 The Department shall specifically designate the examining
25 physician licensed to practice medicine in all of its branches
26 or, if applicable, the multidisciplinary team involved in

1 providing the mental or physical examination and evaluation.
2 The multidisciplinary team shall be led by a physician licensed
3 to practice medicine in all of its branches and may consist of
4 one or more or a combination of physicians licensed to practice
5 medicine in all of its branches, licensed chiropractic
6 physicians, licensed clinical psychologists, licensed clinical
7 social workers, licensed clinical professional counselors, and
8 other professional and administrative staff. Any examining
9 physician or member of the multidisciplinary team may require
10 any person ordered to submit to an examination and evaluation
11 pursuant to this Section to submit to any additional
12 supplemental testing deemed necessary to complete any
13 examination or evaluation process, including, but not limited
14 to, blood testing, urinalysis, psychological testing, or
15 neuropsychological testing.

16 The Department may order the examining physician or any
17 member of the multidisciplinary team to provide to the
18 Department any and all records, including business records,
19 that relate to the examination and evaluation, including any
20 supplemental testing performed. The Department may order the
21 examining physician or any member of the multidisciplinary team
22 to present testimony concerning this examination and
23 evaluation of the licensee or applicant, including testimony
24 concerning any supplemental testing or documents relating to
25 the examination and evaluation. No information, report,
26 record, or other documents in any way related to the

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

13 Failure of any individual to submit to a mental or physical
14 examination or evaluation, or both, when directed, shall result
15 in an automatic suspension without hearing, until such time as
16 the individual submits to the examination. If the Department
17 finds a licensee unable to practice because of the reasons set
18 forth in this Section, the Department shall require the
19 licensee to submit to care, counseling, or treatment by
20 physicians approved or designated by the Department as a
21 condition for continued, reinstated, or renewed licensure.

22 When the Secretary immediately suspends a license under
23 this Section, a hearing upon such person's license must be
24 convened by the Department within 15 days after the suspension
25 and completed without appreciable delay. The Department shall
26 have the authority to review the licensee's record of treatment

1 and counseling regarding the impairment to the extent permitted
2 by applicable federal statutes and regulations safeguarding
3 the confidentiality of medical records.

4 Individuals licensed under this Act who are affected under
5 this Section shall be afforded an opportunity to demonstrate to
6 the Department that they can resume practice in compliance with
7 acceptable and prevailing standards under the provisions of
8 their license.

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

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

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois.

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

4 Section 15. The Dietitian Nutritionist Practice Act is
5 amended by changing Section 95 as follows:

6 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

8 Sec. 95. Grounds for discipline.

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

15 (a) Material misstatement in furnishing information to
16 the Department.

17 (b) Violations of this Act or of rules adopted under
18 this Act.

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

1 is a felony or (ii) that is a misdemeanor, an essential
2 element of which is dishonesty, or that is directly related
3 to the practice of the profession.

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

7 (e) Professional incompetence or gross negligence.

8 (f) Malpractice.

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

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

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

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

20 (k) Discipline by another state, the District of
21 Columbia, territory, country, or governmental agency if at
22 least one of the grounds for the discipline is the same or
23 substantially equivalent to those set forth in this Act.

24 (l) Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered. Nothing in this

1 paragraph (1) affects any bona fide independent contractor
2 or employment arrangements among health care
3 professionals, health facilities, health care providers,
4 or other entities, except as otherwise prohibited by law.
5 Any employment arrangements may include provisions for
6 compensation, health insurance, pension, or other
7 employment benefits for the provision of services within
8 the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (1) shall be construed to require
10 an employment arrangement to receive professional fees for
11 services rendered.

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

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

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

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

22 (q) Gross and willful overcharging for professional
23 services.

24 (r) (Blank).

25 (s) Willfully failing to report an instance of
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

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

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

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

11 (w) Advising an individual to discontinue, reduce,
12 increase, or otherwise alter the intake of a drug
13 prescribed by a physician licensed to practice medicine in
14 all its branches or by a prescriber as defined in Section
15 102 of the Illinois Controlled Substances Act.

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

26 (3) (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 item (5) of subsection~~
5 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
6 ~~Illinois.~~

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

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

26 (6) 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, then the Department may file a
7 complaint to revoke, suspend, or otherwise discipline the
8 license of the individual. The Secretary may order the license
9 suspended immediately, pending a hearing by the Department.
10 Fines shall not be assessed in disciplinary actions involving
11 physical or 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 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;

1 98-756, eff. 7-16-14.)

2 Section 20. The Environmental Health Practitioner
3 Licensing Act is amended by changing Section 35 as follows:

4 (225 ILCS 37/35)

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

6 Sec. 35. Grounds for discipline.

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

13 (1) Material misstatement in furnishing information to
14 the Department.

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

16 (3) Conviction of any felony under the laws of any U.S.
17 jurisdiction, any misdemeanor an essential element of
18 which is dishonesty, or any crime that is directly related
19 to the practice of the profession.

20 (4) Making any misrepresentation for the purpose of
21 obtaining a certificate of registration.

22 (5) Professional incompetence.

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

1 (7) Failing to provide information within 60 days 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 as defined by rules of the
6 Department.

7 (9) Habitual or excessive use or addiction to alcohol,
8 narcotics, stimulants, or any other chemical agent or drug
9 that results in an environmental health practitioner's
10 inability to practice with reasonable judgment, skill, or
11 safety.

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

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

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

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

26 (14) Failure to comply with rules promulgated by the

1 Illinois Department of Public Health or other State
2 agencies related to the practice of environmental health.

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

11 (16) Solicitation of professional services by using
12 false or misleading advertising.

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

15 (18) Practicing or attempting to practice under a name
16 other than the full name as shown on the license or any
17 other legally authorized name.

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

21 (b) The Department may refuse to issue or may suspend the
22 license of any person who fails to (i) file a return, (ii) pay
23 the tax, penalty, or interest shown in a filed return; or (iii)
24 pay any final assessment of the tax, penalty, or interest as
25 required by any tax Act administered by the Illinois Department
26 of Revenue until the requirements of the tax Act are satisfied.

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

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

1 directed, shall be grounds for suspension of a license until
2 the person submits to the examination if the Department finds,
3 after notice and hearing, that the refusal to submit to the
4 examination was without reasonable cause.

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

14 Any person whose license was granted, continued,
15 reinstated, renewed, disciplined, or supervised subject to
16 such terms, conditions, or restrictions and who fails to comply
17 with such terms, conditions, or restrictions shall be referred
18 to the Director for a determination as to whether the person
19 shall have his or her license suspended immediately, pending a
20 hearing by the Department.

21 In instances in which the Director immediately suspends a
22 person's license under this Section, a hearing on that person's
23 license must be convened by the Department within 15 days after
24 the suspension and completed without appreciable delay. The
25 Department shall have the authority to review the subject
26 person's record of treatment and counseling regarding the

1 impairment, to the extent permitted by applicable federal
2 statutes and regulations safeguarding the confidentiality of
3 medical records.

4 A person licensed under this Act and affected under this
5 Section shall be afforded an opportunity to demonstrate to the
6 Department that he or she can resume practice in compliance
7 with acceptable and prevailing standards under the provisions
8 of his or her license.

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

10 Section 25. The Funeral Directors and Embalmers Licensing
11 Code is amended by changing Section 15-75 as follows:

12 (225 ILCS 41/15-75)

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

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

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

19 (1) Practicing the profession of funeral directing and
20 embalming or funeral directing, or attempting to practice
21 the profession of funeral directing and embalming or
22 funeral directing without a license as a funeral director
23 and embalmer or funeral director.

24 (2) Serving or attempting to serve as an intern under a

1 licensed funeral director and embalmer without a license as
2 a licensed funeral director and embalmer intern.

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

6 (4) Permitting any person in one's employ, under one's
7 control or in or under one's service to serve as a funeral
8 director and embalmer, funeral director, or funeral
9 director and embalmer intern when the person does not have
10 the appropriate license.

11 (5) Failing to display a license as required by this
12 Code.

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

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

22 (1) Fraud or any misrepresentation in applying for or
23 procuring a license under this Code or in connection with
24 applying for renewal of a license under this Code.

25 (2) For licenses, conviction by plea of guilty or nolo
26 contendere, finding of guilt, jury verdict, or entry of

1 judgment or by sentencing of any crime, including, but not
2 limited to, convictions, preceding sentences of
3 supervision, conditional discharge, or first offender
4 probation, under the laws of any jurisdiction of the United
5 States: (i) that is a felony or (ii) that is a misdemeanor,
6 an essential element of which is dishonesty, or that is
7 directly related to the practice of the profession and, for
8 initial applicants, convictions set forth in Section 15-72
9 of this Act.

10 (3) Violation of the laws of this State relating to the
11 funeral, burial or disposition of deceased human bodies or
12 of the rules and regulations of the Department, or the
13 Department of Public Health.

14 (4) Directly or indirectly paying or causing to be paid
15 any sum of money or other valuable consideration for the
16 securing of business or for obtaining authority to dispose
17 of any deceased human body.

18 (5) Professional incompetence, gross negligence,
19 malpractice, or untrustworthiness in the practice of
20 funeral directing and embalming or funeral directing.

21 (6) (Blank).

22 (7) Engaging in, promoting, selling, or issuing burial
23 contracts, burial certificates, or burial insurance
24 policies in connection with the profession as a funeral
25 director and embalmer, funeral director, or funeral
26 director and embalmer intern in violation of any laws of

1 the State of Illinois.

2 (8) Refusing, without cause, to surrender the custody
3 of a deceased human body upon the proper request of the
4 person or persons lawfully entitled to the custody of the
5 body.

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

8 (10) Engaging in funeral directing and embalming or
9 funeral directing without a license.

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

17 (12) Making or causing to be made any false or
18 misleading statements about the laws concerning the
19 disposition of human remains, including, but not limited
20 to, the need to embalm, the need for a casket for cremation
21 or the need for an outer burial container.

22 (13) (Blank).

23 (14) Embalming or attempting to embalm a deceased human
24 body without express prior authorization of the person
25 responsible for making the funeral arrangements for the
26 body. This does not apply to cases where embalming is

1 directed by local authorities who have jurisdiction or when
2 embalming is required by State or local law. A licensee may
3 embalm without express prior authorization if a good faith
4 effort has been made to contact family members and has been
5 unsuccessful and the licensee has no reason to believe the
6 family opposes embalming.

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

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

12 (17) Performing any act or practice that is a violation
13 of this Code, the rules for the administration of this
14 Code, or any federal, State or local laws, rules, or
15 regulations governing the practice of funeral directing or
16 embalming.

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

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

23 (20) Taking possession of a dead human body without
24 having first obtained express permission from the person
25 holding the right to control the disposition in accordance
26 with Section 5 of the Disposition of Remains Act or a

1 public agency legally authorized to direct, control or
2 permit the removal of deceased human bodies.

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

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

19 (23) Failing to account for or remit any monies,
20 documents, or personal property that belongs to others that
21 comes into a licensee's possession.

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

25 (25) Knowingly making any false statements, oral or
26 otherwise, of a character likely to influence, persuade or

1 induce others in the course of performing professional
2 services or activities.

3 (26) Willfully making or filing false records or
4 reports in the practice of funeral directing and embalming,
5 including, but not limited to, false records filed with
6 State agencies or departments.

7 (27) Failing to acquire continuing education required
8 under this Code.

9 (28) (Blank).

10 (29) Aiding or assisting another person in violating
11 any provision of this Code or rules adopted pursuant to
12 this Code.

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

15 (31) Discipline by another state, District of
16 Columbia, territory, foreign nation, or governmental
17 agency, if at least one of the grounds for the discipline
18 is the same or substantially equivalent to those set forth
19 in this Section.

20 (32) (Blank).

21 (33) Mental illness or disability which results in the
22 inability to practice the profession with reasonable
23 judgment, skill, or safety.

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

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

5 (36) Failing to comply with any of the following
6 required activities:

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

22 (B) A licensee shall clearly mark the price of any
23 casket offered for sale or the price of any service
24 using the casket on or in the casket if the casket is
25 displayed at the funeral establishment. If the casket
26 is displayed at any other location, regardless of

1 whether the licensee is in control of that location,
2 the casket shall be clearly marked and the registrant
3 shall use books, catalogues, brochures, or other
4 printed display aids to show the price of each casket
5 or service.

6 (C) At the time funeral arrangements are made and
7 prior to rendering the funeral services, a licensee
8 shall furnish a written statement of services to be
9 retained by the person or persons making the funeral
10 arrangements, signed by both parties, that shall
11 contain: (i) the name, address and telephone number of
12 the funeral establishment and the date on which the
13 arrangements were made; (ii) the price of the service
14 selected and the services and merchandise included for
15 that price; (iii) a clear disclosure that the person or
16 persons making the arrangement may decline and receive
17 credit for any service or merchandise not desired and
18 not required by law or the funeral director or the
19 funeral director and embalmer; (iv) the supplemental
20 items of service and merchandise requested and the
21 price of each item; (v) the terms or method of payment
22 agreed upon; and (vi) a statement as to any monetary
23 advances made by the registrant on behalf of the
24 family. The licensee shall maintain a copy of the
25 written statement of services in its permanent
26 records. All written statements of services are

1 subject to inspection by the Department.

2 (D) In all instances where the place of final
3 disposition of a deceased human body or the cremated
4 remains of a deceased human body is a cemetery, the
5 licensed funeral director and embalmer, or licensed
6 funeral director, who has been engaged to provide
7 funeral or embalming services shall remain at the
8 cemetery and personally witness the placement of the
9 human remains in their designated grave or the sealing
10 of the above ground depository, crypt, or urn. The
11 licensed funeral director or licensed funeral director
12 and embalmer may designate a licensed funeral director
13 and embalmer intern or representative of the funeral
14 home to be his or her witness to the placement of the
15 remains. If the cemetery authority, cemetery manager,
16 or any other agent of the cemetery takes any action
17 that prevents compliance with this paragraph (D), then
18 the funeral director and embalmer or funeral director
19 shall provide written notice to the Department within 5
20 business days after failing to comply. If the
21 Department receives this notice, then the Department
22 shall not take any disciplinary action against the
23 funeral director and embalmer or funeral director for a
24 violation of this paragraph (D) unless the Department
25 finds that the cemetery authority, manager, or any
26 other agent of the cemetery did not prevent the funeral

1 director and embalmer or funeral director from
2 complying with this paragraph (D) as claimed in the
3 written notice.

4 (E) A funeral director or funeral director and
5 embalmer shall fully complete the portion of the
6 Certificate of Death under the responsibility of the
7 funeral director or funeral director and embalmer and
8 provide all required information. In the event that any
9 reported information subsequently changes or proves
10 incorrect, a funeral director or funeral director and
11 embalmer shall immediately upon learning the correct
12 information correct the Certificate of Death.

13 (37) A finding by the Department that the licensee,
14 after having his or her license placed on probationary
15 status or subjected to conditions or restrictions,
16 violated the terms of the probation or failed to comply
17 with such terms or conditions.

18 (38) (Blank).

19 (39) Being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 pursuant to the Abused and Neglected Child Reporting Act
22 and, upon proof by clear and convincing evidence, being
23 found to have caused a child to be an abused child or
24 neglected child as defined in the Abused and Neglected
25 Child Reporting Act.

26 (40) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, alcohol, or any
2 other substance which results in the inability to practice
3 with reasonable judgment, skill, or safety.

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

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

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

19 (d) No action may be taken under this Code against a person
20 licensed under this Code unless the action is commenced within
21 5 years after the occurrence of the alleged violations. A
22 continuing violation shall be deemed to have occurred on the
23 date when the circumstances last existed that give rise to the
24 alleged violation.

25 (e) Nothing in this Section shall be construed or enforced
26 to give a funeral director and embalmer, or his or her

1 designees, authority over the operation of a cemetery or over
2 cemetery employees. Nothing in this Section shall be construed
3 or enforced to impose duties or penalties on cemeteries with
4 respect to the timing of the placement of human remains in
5 their designated grave or the sealing of the above ground
6 depository, crypt, or urn due to patron safety, the allocation
7 of cemetery staffing, liability insurance, a collective
8 bargaining agreement, or other such reasons.

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

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

18 (h) In cases where the Department of Healthcare and Family
19 Services has previously determined a licensee or a potential
20 licensee is more than 30 days delinquent in the payment of
21 child support and has subsequently certified the delinquency to
22 the Department, the Department may refuse to issue or renew or
23 may revoke or suspend that person's license or may take other
24 disciplinary action against that person based solely upon the
25 certification of delinquency made by the Department of
26 Healthcare and Family Services in accordance with item (5) of

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

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

15 (j) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code, as amended, operates as an automatic suspension. The
19 suspension may end only upon a finding by a court that the
20 licensee is no longer subject to the involuntary admission or
21 judicial admission and issues an order so finding and
22 discharging the licensee, and upon the recommendation of the
23 Board to the Secretary that the licensee be allowed to resume
24 his or her practice.

25 (k) In enforcing this Code, the Department, upon a showing
26 of a possible violation, may compel an individual licensed to

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

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

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

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 15 days after
14 the suspension and completed without appreciable delay. The
15 Department shall have the authority to review the subject
16 individual'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 An individual licensed under this Code and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department that he or she can resume practice in compliance
23 with acceptable and prevailing standards under the provisions
24 of his or her license.

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

1 Section 30. The Marriage and Family Therapy Licensing Act
2 is amended by changing Section 85 as follows:

3 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

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

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

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

13 (1) Material misstatement in furnishing information to
14 the Department.

15 (2) Violation of any provision of this Act or its
16 rules.

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

1 (4) Fraud or misrepresentation in applying for or
2 procuring a license under this Act or in connection with
3 applying for renewal or restoration of a license under this
4 Act or its rules.

5 (5) Professional incompetence.

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

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

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

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

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

20 (11) Discipline by another jurisdiction if at least one
21 of the grounds for the discipline is the same or
22 substantially equivalent to those 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. Nothing in this paragraph (12) affects any bona
2 fide independent contractor or employment arrangements
3 among health care professionals, health facilities, health
4 care providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (12) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered.

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

16 (14) Abandonment of a patient without cause.

17 (15) Willfully making or filing false records or
18 reports relating to a licensee's practice, including but
19 not limited to false records filed with State agencies or
20 departments.

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

24 (17) Being named as a perpetrator in an indicated
25 report by the Department of Children and Family Services
26 under the Abused and Neglected Child Reporting Act and upon

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

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

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

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

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

16 (22) Gross, willful, and continued overcharging for
17 professional services, including filing false statements
18 for collection of fees or moneys for which services are not
19 rendered.

20 (23) Failure to establish and maintain records of
21 patient care and treatment as required by law.

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

24 (25) Willfully failing to report an instance of
25 suspected abuse, neglect, financial exploitation, or
26 self-neglect of an eligible adult as defined in and

1 required by the Adult Protective Services Act.

2 (26) Being named as an abuser in a verified report by
3 the Department on Aging and under the Adult Protective
4 Services Act and upon proof by clear and convincing
5 evidence that the licensee abused, neglected, or
6 financially exploited an eligible adult as defined in the
7 Adult Protective Services Act.

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

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

26 (d) The Department shall refuse to issue or may suspend the

1 license of any person who fails to file a return, pay the tax,
2 penalty, or interest shown in a filed return or pay any final
3 assessment of tax, penalty, or interest, as required by any tax
4 Act administered by the Illinois Department of Revenue, until
5 the time the requirements of the tax Act are satisfied.

6 (e) In enforcing this Section, the Department or Board upon
7 a showing of a possible violation may compel an individual
8 licensed to practice under this Act, or who has applied for
9 licensure under this Act, to submit to a mental or physical
10 examination, or both, which may include a substance abuse or
11 sexual offender evaluation, as required by and at the expense
12 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 or both. The
17 multidisciplinary team shall be led by a physician licensed to
18 practice medicine in all of its branches and may consist of one
19 or more or a combination of physicians licensed to practice
20 medicine in all of its branches, licensed clinical
21 psychologists, licensed clinical social workers, licensed
22 clinical professional counselors, licensed marriage and family
23 therapists, and other professional and administrative staff.
24 Any examining physician or member of the multidisciplinary team
25 may require any person ordered to submit to an examination and
26 evaluation 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.

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

24 The individual to be examined may have, at his or her own
25 expense, another physician of his or her choice present during
26 all aspects of this examination. However, that physician shall

1 be present only to observe and may not interfere in any way
2 with the examination.

3 Failure of an individual to submit to a mental or physical
4 examination, when ordered, shall result in an automatic
5 suspension of his or her license until the individual submits
6 to the examination.

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

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

16 Section 35. The Massage Licensing Act is amended by
17 changing Section 45 as follows:

18 (225 ILCS 57/45)

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

20 Sec. 45. Grounds for discipline.

21 (a) The Department may refuse to issue or renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action, as the Department
24 considers appropriate, including the imposition of fines not to

1 exceed \$10,000 for each violation, with regard to any license
2 or licensee for any one or more of the following:

3 (1) violations of this Act or of the rules adopted
4 under this Act;

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

14 (3) professional incompetence;

15 (4) advertising in a false, deceptive, or misleading
16 manner;

17 (5) aiding, abetting, assisting, procuring, advising,
18 employing, or contracting with any unlicensed person to
19 practice massage contrary to any rules or provisions of
20 this Act;

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

24 (7) engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public;

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

5 (9) knowingly delegating professional responsibilities
6 to a person unqualified by training, experience, or
7 licensure to perform;

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

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

14 (12) having a pattern of practice or other behavior
15 that demonstrates incapacity or incompetence to practice
16 under this Act;

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

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) willfully making or filing false records or
25 reports in his or her practice, including, but not limited
26 to, false records filed with State agencies or departments;

1 (16) making a material misstatement in furnishing
2 information to the Department or otherwise making
3 misleading, deceptive, untrue, or fraudulent
4 representations in violation of this Act or otherwise in
5 the practice of the profession;

6 (17) fraud or 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 (18) inability to practice the profession with
10 reasonable judgment, skill, or safety as a result of
11 physical illness, including, but not limited to,
12 deterioration through the aging process, loss of motor
13 skill, or a mental illness or disability;

14 (19) charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered;

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

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

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

23 (b) A person not licensed under this Act and engaged in the
24 business of offering massage therapy services through others,
25 shall not aid, abet, assist, procure, advise, employ, or
26 contract with any unlicensed person to practice massage therapy

1 contrary to any rules or provisions of this Act. A person
2 violating this subsection (b) shall be treated as a licensee
3 for the purposes of disciplinary action under this Section and
4 shall be subject to cease and desist orders as provided in
5 Section 90 of this Act.

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

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

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 Civil Administrative Code of~~

1 ~~Illinois.~~

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

13 (g) 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 a court order so finding and discharging
20 the patient.

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

1 physician to present testimony concerning the mental or
2 physical examination of the licensee or applicant. No
3 information shall be excluded by reason of any common law or
4 statutory privilege relating to communications between the
5 licensee or applicant and the examining physician. The
6 examining physicians shall be specifically designated by the
7 Board or Department. The individual to be examined may have, at
8 his or her own expense, another physician of his or her choice
9 present during all aspects of this examination. The examination
10 shall be performed by a physician licensed to practice medicine
11 in all its branches. Failure of an individual to submit to a
12 mental or physical examination, when directed, shall result in
13 an automatic suspension without 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 and Board shall have the authority to review the
12 subject individual's record of treatment and counseling
13 regarding the impairment to the extent permitted by applicable
14 federal statutes and regulations safeguarding the
15 confidentiality of 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 or Board that he or she can resume practice in
19 compliance with acceptable and prevailing standards under the
20 provisions of his or her license.

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

22 Section 40. The Naprapathic Practice Act is amended by
23 changing Section 110 as follows:

24 (225 ILCS 63/110)

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

2 Sec. 110. Grounds for disciplinary action; refusal,
3 revocation, suspension.

4 (a) The Department may refuse to issue or to 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, with regard to any licensee or
9 license for any one or combination of the following causes:

10 (1) Violations of this Act or of rules adopted under
11 this Act.

12 (2) Material misstatement in furnishing information to
13 the Department.

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

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

26 (5) Professional incompetence or gross negligence.

1 (6) Malpractice.

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

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

6 (9) Engaging in dishonorable, unethical, or
7 unprofessional conduct of a character likely to deceive,
8 defraud, or harm the public.

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

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

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. This shall not be deemed to include rent or other
22 remunerations paid to an individual, partnership, or
23 corporation by a naprapath for the lease, rental, or use of
24 space, owned or controlled by the individual, partnership,
25 corporation, or association. Nothing in this paragraph
26 (12) affects any bona fide independent contractor or

1 employment arrangements among health care professionals,
2 health facilities, health care providers, or other
3 entities, except as otherwise prohibited by law. Any
4 employment arrangements may include provisions for
5 compensation, health insurance, pension, or other
6 employment benefits for the provision of services within
7 the scope of the licensee's practice under this Act.
8 Nothing in this paragraph (12) shall be construed to
9 require an employment arrangement to receive professional
10 fees for services rendered.

11 (13) Using the title "Doctor" or its abbreviation
12 without further clarifying that title or abbreviation with
13 the word "naprapath" or "naprapathy" or the designation
14 "D.N.".

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

18 (15) Abandonment of a patient without cause.

19 (16) Willfully making or filing false records or
20 reports relating to a licensee's practice, including but
21 not limited to, false records filed with State agencies or
22 departments.

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

26 (18) Physical or mental illness or disability,

1 including, but not limited to, deterioration through the
2 aging process or loss of motor skill that results in the
3 inability to practice the profession with reasonable
4 judgment, skill, or safety.

5 (19) Solicitation of professional services by means
6 other than permitted advertising.

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

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

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

13 (23) (Blank).

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

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

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

26 (27) Maintaining a professional relationship with any

1 person, firm, or corporation when the naprapath knows, or
2 should know, that the person, firm, or corporation is
3 violating this Act.

4 (28) Promotion of the sale of food supplements,
5 devices, appliances, or goods provided for a client or
6 patient in such manner as to exploit the patient or client
7 for financial gain of the licensee.

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

18 (30) Use by a registered naprapath of the word
19 "infirmary", "hospital", "school", "university", in
20 English or any other language, in connection with the place
21 where naprapathy may be practiced or demonstrated.

22 (31) Continuance of a naprapath in the employ of any
23 person, firm, or corporation, or as an assistant to any
24 naprapath or naprapaths, directly or indirectly, after his
25 or her employer or superior has been found guilty of
26 violating or has been enjoined from violating the laws of

1 the State of Illinois relating to the practice of
2 naprapathy when the employer or superior persists in that
3 violation.

4 (32) The performance of naprapathic service in
5 conjunction with a scheme or plan with another person,
6 firm, or corporation known to be advertising in a manner
7 contrary to this Act or otherwise violating the laws of the
8 State of Illinois concerning the practice of naprapathy.

9 (33) Failure to provide satisfactory proof of having
10 participated in approved continuing education programs as
11 determined by and approved by the Secretary. Exceptions for
12 extreme hardships are to be defined by the rules of the
13 Department.

14 (34) (Blank).

15 (35) Gross or willful overcharging for professional
16 services.

17 (36) (Blank).

18 All fines imposed under this Section shall be paid within
19 60 days after the effective date of the order imposing the
20 fine.

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

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

6 (c) (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 Department of Professional~~
12 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

13 (d) 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 Department of
23 Professional Regulation Law of the Civil Administrative Code of
24 Illinois.

25 (e) The determination by a circuit court that a licensee is
26 subject to involuntary admission or judicial admission, as

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

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

1 submit to any additional supplemental testing deemed necessary
2 to complete any examination or evaluation process, including,
3 but not limited to, blood testing, urinalysis, psychological
4 testing, or 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 that
8 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 the examination and evaluation
12 of the licensee or applicant, including testimony concerning
13 any supplemental testing or documents in any way related to the
14 examination and evaluation. No information, report, record, or
15 other documents in any way related to the examination and
16 evaluation shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician or any member
19 of the multidisciplinary team. No authorization is necessary
20 from the licensee or applicant ordered to undergo an evaluation
21 and examination for the examining physician or any member of
22 the multidisciplinary team to provide information, reports,
23 records, or other documents or to provide any testimony
24 regarding the examination and evaluation. The individual to be
25 examined may have, at his or her own expense, another physician
26 of his or her choice present during all aspects of this

1 examination. Failure of an individual to submit to a mental or
2 physical examination and evaluation, or both, when directed,
3 shall result in an automatic suspension without hearing, until
4 such time as the individual submits to the examination.

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

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 15 days after

1 the suspension and completed without appreciable delay. The
2 Department shall have the authority to review the subject
3 individual's record of treatment and counseling regarding the
4 impairment to the extent permitted by applicable federal
5 statutes and regulations safeguarding the confidentiality of
6 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 that he or she can resume practice in compliance
10 with acceptable and prevailing standards under the provisions
11 of his or her license.

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

14 Section 45. The Illinois Occupational Therapy Practice Act
15 is amended by changing Section 19 as follows:

16 (225 ILCS 75/19) (from Ch. 111, par. 3719)

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

18 Sec. 19. Grounds for discipline.

19 (a) The Department may refuse to issue or renew, or may
20 revoke, suspend, place on probation, reprimand or take other
21 disciplinary or non-disciplinary action as the Department may
22 deem proper, including imposing fines not to exceed \$10,000 for
23 each violation and the assessment of costs as provided under
24 Section 19.3 of this Act, with regard to any license for any

1 one or combination of the following:

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

4 (2) Violations of this Act, or of the rules promulgated
5 thereunder;

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

15 (4) Fraud or any misrepresentation in applying for or
16 procuring a license under this Act, or in connection with
17 applying for renewal of a license under this Act;

18 (5) Professional incompetence;

19 (6) Aiding or assisting another person, firm,
20 partnership or corporation in violating any provision of
21 this Act or rules;

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

24 (8) Engaging in dishonorable, unethical or
25 unprofessional conduct of a character likely to deceive,
26 defraud or harm the public;

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

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

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

25 (12) A finding by the Department that the license
26 holder, after having his license disciplined, has violated

1 the terms of the discipline;

2 (13) Wilfully making or filing false records or reports
3 in the practice of occupational therapy, including but not
4 limited to false records filed with the State agencies or
5 departments;

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

10 (15) Solicitation of professional services other than
11 by permitted advertising;

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

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

16 (18) Professional incompetence or gross negligence;

17 (19) Malpractice;

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

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

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

26 (23) Violating the Health Care Worker Self-Referral

1 Act;

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

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

15 (26) Charging for professional services not rendered,
16 including filing false statements for the collection of
17 fees for which services are not rendered.

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

22 (b) The determination by a circuit court that a license
23 holder is subject to involuntary admission or judicial
24 admission as provided in the Mental Health and Developmental
25 Disabilities Code, as now or hereafter amended, operates as an
26 automatic suspension. Such suspension will end only upon a

1 finding by a court that the patient is no longer subject to
2 involuntary admission or judicial admission and an order by the
3 court so finding and discharging the patient. In any case where
4 a license is suspended under this provision, the licensee shall
5 file a petition for restoration and shall include evidence
6 acceptable to the Department that the licensee can resume
7 practice in compliance with acceptable and prevailing
8 standards of their profession.

9 (c) The Department may refuse to issue or may suspend
10 without hearing, as provided for in the Code of Civil
11 Procedure, the license of any person who fails 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 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied in accordance
17 with subsection (a) of Section 2105-15 of the Department of
18 Professional Regulation Law of the Civil Administrative Code of
19 Illinois.

20 (d) In enforcing this Section, the Department, upon a
21 showing of a possible violation, may compel any individual who
22 is licensed under this Act or any individual who has applied
23 for licensure to submit to a mental or physical examination or
24 evaluation, or both, which may include a substance abuse or
25 sexual offender evaluation, at the expense of the Department.
26 The Department shall specifically designate the examining

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

18 The Department may order the examining physician or any
19 member of the multidisciplinary team to provide to the
20 Department any and all records, including business records,
21 that relate to the examination and evaluation, including any
22 supplemental testing performed. The Department may order the
23 examining physician or any member of the multidisciplinary team
24 to present testimony concerning this examination and
25 evaluation of the licensee or applicant, including testimony
26 concerning any supplemental testing or documents relating to

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

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

24 When the Secretary immediately suspends a license under
25 this Section, a hearing upon such person's license must be
26 convened by the Department within 15 days after the suspension

1 and completed without appreciable delay. The Department shall
2 have the authority to review the licensee's record of treatment
3 and counseling regarding the impairment to the extent permitted
4 by applicable federal statutes and regulations safeguarding
5 the confidentiality of medical records.

6 Individuals licensed under this Act that are affected under
7 this Section, shall be afforded an opportunity to demonstrate
8 to the Department that they can resume practice in compliance
9 with acceptable and prevailing standards under the provisions
10 of their license.

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

19 (f) 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 paragraph (5)
2 of subsection (a) of Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code of
4 Illinois.

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

6 Section 50. The Orthotics, Prosthetics, and Pedorthics
7 Practice Act is amended by changing Section 90 as follows:

8 (225 ILCS 84/90)

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

10 Sec. 90. Grounds for discipline.

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

18 (1) Making a material misstatement in furnishing
19 information to the Department or the Board.

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

22 (3) Conviction of, or entry of a plea of guilty or nolo
23 contendere to any crime that is a felony under the laws of
24 the United States or any state or territory thereof or that

1 is a misdemeanor of which an essential element is
2 dishonesty, or any crime that is directly related to the
3 practice of the profession.

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

6 (5) A pattern of practice or other behavior that
7 demonstrates incapacity or incompetence to practice under
8 this Act.

9 (6) Gross negligence under this Act.

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

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

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

17 (10) Inability to practice with reasonable judgment,
18 skill, or safety as a result of habitual or excessive use
19 or addiction to alcohol, narcotics, stimulants, or any
20 other chemical agent or drug.

21 (11) Discipline by another state or territory of the
22 United States, the federal government, or foreign nation,
23 if at least one of the grounds for the discipline is the
24 same or substantially equivalent to one set forth in this
25 Section.

26 (12) Directly or indirectly giving to or receiving from

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

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

18 (14) Abandonment of a patient or client.

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

22 (16) 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 (17) Inability to practice the profession with
26 reasonable judgment, skill, or safety as a result of a

1 physical illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill, or a mental illness or disability.

4 (18) Solicitation of professional services using false
5 or misleading advertising.

6 (b) In enforcing this Section, the Department or Board upon
7 a showing of a possible violation, may compel a licensee or
8 applicant to submit to a mental or physical examination, or
9 both, as required by and at the expense of the Department. The
10 Department or Board may order the examining physician to
11 present testimony concerning the mental or physical
12 examination of the licensee or applicant. No information shall
13 be excluded by reason of any common law or statutory privilege
14 relating to communications between the licensee or applicant
15 and the examining physician. The examining physicians shall be
16 specifically designated by the Board or Department. The
17 individual to be examined may have, at his or her own expense,
18 another physician of his or her choice present during all
19 aspects of this examination. Failure of an individual to submit
20 to a mental or physical examination, when directed, shall be
21 grounds for the immediate suspension of his or her license
22 until the individual submits to the examination if the
23 Department finds that the refusal to submit to the examination
24 was without reasonable cause as defined by rule.

25 In instances in which the Secretary immediately suspends a
26 person's license for his or her failure to submit to a mental

1 or physical examination, when directed, a hearing on that
2 person's license must be convened by the Department within 15
3 days after the suspension and completed without appreciable
4 delay.

5 In instances in which the Secretary otherwise suspends a
6 person's license pursuant to the results of a compelled mental
7 or physical examination, a hearing on that person's license
8 must be convened by the Department within 15 days after the
9 suspension and completed without appreciable delay. The
10 Department and Board shall have the authority to review the
11 subject individual'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 An individual licensed under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate to
17 the Department or Board that he or she can resume practice in
18 compliance with acceptable and prevailing standards under the
19 provisions of his or her license.

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 subsection (a) (5) of~~
25 ~~Section 2105-15 of the Department of Professional Regulation~~
26 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~

1 ~~2105/2105-15).~~

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

14 (e) The Department may refuse to issue or renew a license,
15 or may revoke or suspend a license, for failure 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 (Source: P.A. 98-756, eff. 7-16-14.)

25 Section 55. The Professional Counselor and Clinical

1 Professional Counselor Licensing and Practice Act is amended by
2 changing Section 80 as follows:

3 (225 ILCS 107/80)

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

5 Sec. 80. Grounds for discipline.

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

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

14 (2) Violations or negligent or intentional disregard
15 of this Act or rules adopted under this Act.

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, 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.

25 (4) Fraud or any misrepresentation in applying for or

1 procuring a license under this Act or in connection with
2 applying for renewal of a license under this Act.

3 (5) Professional incompetence or gross negligence in
4 the rendering of professional counseling or clinical
5 professional counseling services.

6 (6) Malpractice.

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

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

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

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

19 (11) Discipline by another jurisdiction, the District
20 of Columbia, territory, county, or governmental agency, if
21 at least one of the grounds for the discipline is the same
22 or substantially equivalent to those set forth in this
23 Section.

24 (12) Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate or other form of compensation

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

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

16 (14) Abandonment of a client.

17 (15) Willfully filing false reports relating to a
18 licensee's practice, including but not limited to false
19 records filed with federal or State agencies or
20 departments.

21 (16) Willfully failing to report an instance of
22 suspected child abuse or neglect as required by the Abused
23 and Neglected Child Reporting Act and in matters pertaining
24 to suspected abuse, neglect, financial exploitation, or
25 self-neglect of adults with disabilities and older adults
26 as set forth in the Adult Protective Services Act.

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

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

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

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

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

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

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

24 (24) Rendering professional counseling or clinical
25 professional counseling services without a license or
26 practicing outside the scope of a license.

1 (25) Clinical supervisors failing to adequately and
2 responsibly monitor supervisees.

3 All fines imposed under this Section shall be paid within
4 60 days after the effective date of the order imposing the
5 fine.

6 (b) (Blank). ~~The Department shall deny, without hearing,~~
7 ~~any application or renewal for a license under this Act to any~~
8 ~~person who has defaulted on an educational loan guaranteed by~~
9 ~~the 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 Department of Professional~~
12 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

13 (b-5) 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, pay the tax, penalty, or interest shown in a filed
17 return, or pay any final assessment of the 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 (g) of Section 2105-15 of the Department of
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois.

24 (b-10) In cases where the Department of Healthcare and
25 Family Services has previously determined a licensee or a
26 potential licensee is more than 30 days delinquent in the

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

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

20 (c-5) In enforcing this Act, the Department, upon a showing
21 of a possible violation, may compel an individual licensed to
22 practice under this Act, or who has applied for licensure under
23 this Act, to submit to a mental or physical examination, or
24 both, as required by and at the expense of the Department. The
25 Department may order the examining physician to present
26 testimony concerning the mental or physical examination of the

1 licensee or applicant. No information shall be excluded by
2 reason of any common law or statutory privilege relating to
3 communications between the licensee or applicant and the
4 examining physician. The examining physicians shall be
5 specifically designated by the Department. The individual to be
6 examined may have, at his or her own expense, another physician
7 of his or her choice present during all aspects of this
8 examination. The examination shall be performed by a physician
9 licensed to practice medicine in all its branches. Failure of
10 an individual to submit to a mental or physical examination,
11 when directed, shall result in an automatic suspension without
12 hearing.

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

1 revoke, suspend, or otherwise discipline the license of the
2 individual. The Secretary may order the license suspended
3 immediately, pending a hearing by the Department. Fines shall
4 not be assessed in disciplinary actions involving physical or
5 mental illness or impairment.

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

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

20 (d) (Blank).

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

22 Section 60. The Sex Offender Evaluation and Treatment
23 Provider Act is amended by changing Section 75 as follows:

24 (225 ILCS 109/75)

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

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

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

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

12 (3) conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or by
14 sentencing for 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: (i) that
18 is a felony; or (ii) that is a misdemeanor, an essential
19 element of which is dishonesty, or that is directly related
20 to the practice of the profession;

21 (4) professional incompetence;

22 (5) advertising in a false, deceptive, or misleading
23 manner;

24 (6) aiding, abetting, assisting, procuring, advising,
25 employing, or contracting with any unlicensed person to
26 provide sex offender evaluation or treatment services

1 contrary to any rules or provisions of this Act;

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

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

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

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

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

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

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

24 (14) discipline by another state, District of
25 Columbia, territory, or foreign nation, if at least one of
26 the grounds for the discipline is the same or substantially

1 equivalent to those set forth in this Section;

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

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

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

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

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

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

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

26 All fines shall be paid within 60 days of the effective

1 date of the order imposing the fine.

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

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

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

1 Administrative Code of Illinois.

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

10 (f) In enforcing this Act, the Department or Board, upon a
11 showing of a possible violation, may compel an individual
12 licensed to practice under this Act, or who has applied for
13 licensure under this Act, to submit to a mental or physical
14 examination, or both, as required by and at the expense of the
15 Department. The Department or Board may order the examining
16 physician to present testimony concerning the mental or
17 physical examination of the licensee or applicant. No
18 information shall be excluded by reason of any common law or
19 statutory privilege relating to communications between the
20 licensee or applicant and the examining physician. The
21 examining physician shall be specifically designated by the
22 Board or Department. The individual to be examined may have, at
23 his or her own expense, another physician of his or her choice
24 present during all aspects of this examination. The examination
25 shall be performed by a physician licensed to practice medicine
26 in all its branches. Failure of an individual to submit to a

1 mental or physical examination, when directed, shall result in
2 an automatic suspension without hearing.

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

22 In instances in which the Secretary immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license must be convened by the Department within 15 days after
25 the suspension and completed without appreciable delay. The
26 Department and Board shall have the authority to review the

1 subject individual's record of treatment and counseling
2 regarding the impairment to the extent permitted by applicable
3 federal statutes and regulations safeguarding the
4 confidentiality of medical records.

5 An individual licensed under this Act and subject to action
6 under this Section shall be afforded an opportunity to
7 demonstrate to the Department or Board that he or she can
8 resume practice in compliance with acceptable and prevailing
9 standards under the provisions of his or her license.

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

11 Section 65. The Illinois Speech-Language Pathology and
12 Audiology Practice Act is amended by changing Section 16 as
13 follows:

14 (225 ILCS 110/16) (from Ch. 111, par. 7916)

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

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

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

23 (a) Fraud in procuring the license.

24 (b) (Blank).

1 (c) Willful or repeated violations of the rules of the
2 Department of Public Health.

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

20 (e) Employing, procuring, inducing, aiding or abetting
21 a person not licensed as a speech-language pathologist or
22 audiologist to engage in the unauthorized practice of
23 speech-language pathology or audiology.

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

1 a speech-language pathology assistant.

2 (f) Making any misrepresentations or false promises,
3 directly or indirectly, to influence, persuade or induce
4 patronage.

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

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

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

18 (j) Improper, unprofessional or dishonorable conduct
19 of a character likely to deceive, defraud or harm the
20 public.

21 (k) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or
23 sentencing, including, but not limited to, convictions,
24 preceding sentences of supervision, conditional discharge,
25 or first offender probation, under the laws of any
26 jurisdiction of the United States that is (i) a felony or

1 (ii) a misdemeanor, an essential element of which is
2 dishonesty, or that is directly related to the practice of
3 the profession.

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

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

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

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

19 (p) Gross or repeated malpractice.

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

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

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

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

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

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

16 (t) (Blank).

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

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

26 (w) Violation of the Hearing Instrument Consumer

1 Protection Act.

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

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

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

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

19 (bb) Violating Section 8.2 of this Act.

20 (cc) Violating Section 8.3 of this Act.

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

1 ~~State Scholarship Commission.~~

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

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

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

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

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

1 hearing by the Board.

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 Board within 15 days after the
5 suspension and completed without appreciable delay. The Board
6 shall have the authority to review the subject individual's
7 record of treatment and counseling regarding the impairment to
8 the extent permitted by applicable federal statutes and
9 regulations safeguarding the confidentiality of medical
10 records.

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

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

17 Section 70. The Veterinary Medicine and Surgery Practice
18 Act of 2004 is amended by changing Section 25 as follows:

19 (225 ILCS 115/25) (from Ch. 111, par. 7025)

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

21 Sec. 25. Disciplinary actions.

22 1. The Department may refuse to issue or renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action as the Department may

1 deem appropriate, including imposing fines not to exceed
2 \$10,000 for each violation and the assessment of costs as
3 provided for in Section 25.3 of this Act, with regard to any
4 license or certificate for any one or combination of the
5 following:

6 A. Material misstatement in furnishing information to
7 the Department.

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

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

19 D. 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 E. Professional incompetence.

23 F. Malpractice.

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

26 H. Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

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

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

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

14 L. Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

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

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

24 O. Physical illness, including but not limited to,
25 deterioration through the aging process, or loss of motor
26 skill which results in the inability to practice under this

1 Act with reasonable judgment, skill, or safety.

2 P. Solicitation of professional services other than
3 permitted advertising.

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

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

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

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

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

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

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

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

25 Y. Mental illness or disability that results in the
26 inability to practice under this Act with reasonable

1 judgment, skill, or safety.

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

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

12 BB. Gross, willful, or continued overcharging for
13 professional services.

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

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

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

20 FF. Using, prescribing, or selling a prescription drug
21 or the extra-label use of a prescription drug by any means
22 in the absence of a valid veterinarian-client-patient
23 relationship.

24 GG. Failing to report a case of suspected aggravated
25 cruelty, torture, or animal fighting pursuant to Section
26 3.07 or 4.01 of the Humane Care for Animals Act or Section

1 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
2 Code of 2012.

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

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

20 3. All proceedings to suspend, revoke, place on
21 probationary status, or take any other disciplinary action as
22 the Department may deem proper, with regard to a license or
23 certificate on any of the foregoing grounds, must be commenced
24 within 5 years after receipt by the Department of a complaint
25 alleging the commission of or notice of the conviction order
26 for any of the acts described in this Section. Except for

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

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

1 5. In enforcing this Section, the Department, upon a
2 showing of a possible violation, may compel any individual who
3 is registered under this Act or any individual who has applied
4 for registration to submit to a mental or physical examination
5 or 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.
11 The multidisciplinary team shall be led by a physician licensed
12 to practice medicine in all of its branches and may consist of
13 one or more or a combination of physicians licensed to practice
14 medicine in all of its branches, licensed chiropractic
15 physicians, licensed clinical psychologists, licensed clinical
16 social workers, licensed clinical professional counselors, and
17 other professional and administrative staff. Any examining
18 physician or member of the multidisciplinary team may require
19 any person ordered to submit to an examination and evaluation
20 pursuant to this Section to submit to any additional
21 supplemental testing deemed necessary to complete any
22 examination or evaluation process, including, but not limited
23 to, blood testing, urinalysis, psychological testing, or
24 neuropsychological testing.

25 The Department may order the examining physician or any
26 member of the multidisciplinary team to provide to the

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

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

1 set forth in this Section, the Department shall require such
2 registrant to submit to care, counseling, or treatment by
3 physicians approved or designated by the Department as a
4 condition for continued, reinstated, or renewed registration.

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

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

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

26 7. In cases where the Department of Healthcare and Family

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

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

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

15 (225 ILCS 130/75)

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

17 Sec. 75. Grounds for disciplinary action.

18 (a) The Department may refuse to issue, renew, or restore a
19 registration, may revoke or suspend a registration, or may
20 place on probation, reprimand, or take other disciplinary or
21 non-disciplinary action with regard to a person registered
22 under this Act, including but not limited to the imposition of
23 fines not to exceed \$10,000 for each violation and the
24 assessment of costs as provided for in Section 90, for any one

1 or combination of the following causes:

2 (1) Making a material misstatement in furnishing
3 information to the Department.

4 (2) Violating a provision of this Act or rules adopted
5 under this Act.

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

15 (4) Fraud or misrepresentation in applying for,
16 renewing, restoring, reinstating, or procuring a
17 registration under this Act.

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

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

22 (7) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public, as defined by rule of the
25 Department.

26 (8) Discipline by another United States jurisdiction,

1 governmental agency, unit of government, or foreign
2 nation, if at least one of the grounds for discipline is
3 the same or substantially equivalent to those set forth in
4 this Section.

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

20 (10) A finding by the Department that the registrant,
21 after having his or her registration placed on probationary
22 status, has violated the terms of probation.

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

26 (12) Willfully making or signing a false statement,

1 certificate, or affidavit to induce payment.

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

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

11 (15) (Blank).

12 (16) Failure to report to the Department (A) any
13 adverse final action taken against the registrant by
14 another registering or licensing jurisdiction, government
15 agency, law enforcement agency, or any court or (B)
16 liability for conduct that would constitute grounds for
17 action as set forth in this Section.

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

22 (18) Physical or mental illness, including but not
23 limited to deterioration through the aging process or loss
24 of motor skills, which results in the inability to practice
25 the profession for which he or she is registered with
26 reasonable judgment, skill, or safety.

1 (19) Gross malpractice.

2 (20) Immoral conduct in the commission of an act
3 related to the registrant's practice, including but not
4 limited to sexual abuse, sexual misconduct, or sexual
5 exploitation.

6 (21) Violation of the Health Care Worker Self-Referral
7 Act.

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

17 (c) The determination by a circuit court that a registrant
18 is subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental Disabilities
20 Code operates as an automatic suspension. The suspension will
21 end only upon (1) a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission,
23 (2) issuance of an order so finding and discharging the
24 patient, and (3) filing of a petition for restoration
25 demonstrating fitness to practice.

26 (d) (Blank). ~~The Department shall deny a registration or~~

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

7 (e) In cases where the Department of Healthcare and Family
8 Services has previously determined a registrant or a potential
9 registrant is more than 30 days delinquent in the payment of
10 child support and has subsequently certified the delinquency to
11 the Department, the Department may refuse to issue or renew or
12 may revoke or suspend that person's registration or may 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 paragraph (5)
16 of subsection (a) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 (f) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any individual
21 registered under this Act or any individual who has applied for
22 registration to submit to a mental or physical examination and
23 evaluation, or both, that may include a substance abuse or
24 sexual offender evaluation, at the expense of the Department.
25 The Department shall specifically designate the examining
26 physician licensed to practice medicine in all of its branches

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

17 The Department may order the examining physician or any
18 member of the multidisciplinary team to provide to the
19 Department any and all records, including business records,
20 that relate to the examination and evaluation, including any
21 supplemental testing performed. The Department may order the
22 examining physician or any member of the multidisciplinary team
23 to present testimony concerning this examination and
24 evaluation of the registrant or applicant, including testimony
25 concerning any supplemental testing or documents relating to
26 the examination and evaluation. No information, report,

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

14 Failure of any individual to submit to mental or physical
15 examination and evaluation, or both, when directed, shall
16 result in an automatic suspension without a hearing until such
17 time as the individual submits to the examination. If the
18 Department finds a registrant unable to practice because of the
19 reasons set forth in this Section, the Department shall require
20 such registrant to submit to care, counseling, or treatment by
21 physicians approved or designated by the Department as a
22 condition for continued, reinstated, or renewed registration.

23 When the Secretary immediately suspends a registration
24 under this Section, a hearing upon such person's registration
25 must be convened by the Department within 15 days after such
26 suspension and completed without appreciable delay. The

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

6 Individuals registered under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate to
8 the Department that they can resume practice in compliance with
9 acceptable and prevailing standards under the provisions of
10 their registration.

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

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

16 Section 80. The Genetic Counselor Licensing Act is amended
17 by changing Section 95 as follows:

18 (225 ILCS 135/95)

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

20 Sec. 95. Grounds for discipline.

21 (a) The Department may refuse to issue, renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action as the Department
24 deems appropriate, including the issuance of fines not to

1 exceed \$10,000 for each violation, with regard to any license
2 for any one or more of the following:

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

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

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

16 (4) Making any misrepresentation for the purpose of
17 obtaining a license, or violating any provision of this Act
18 or its rules.

19 (5) Negligence in the rendering of genetic counseling
20 services.

21 (6) Failure to provide genetic testing results and any
22 requested information to a referring physician licensed to
23 practice medicine in all its branches, advanced practice
24 registered nurse, or physician assistant.

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

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

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

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

10 (10.5) Failure to maintain client records of services
11 provided and provide copies to clients upon request.

12 (11) Exploiting a client for personal advantage,
13 profit, or interest.

14 (12) Habitual or excessive use or addiction to alcohol,
15 narcotics, stimulants, or any other chemical agent or drug
16 which results in inability to practice with reasonable
17 skill, judgment, or safety.

18 (13) Discipline by another governmental agency or unit
19 of government, by any jurisdiction of the United States, or
20 by a 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 Section.

23 (14) 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 service not actually rendered.

1 Nothing in this paragraph (14) affects any bona fide
2 independent contractor or employment arrangements among
3 health care professionals, health facilities, health care
4 providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (14) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered.

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

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

18 (17) Willfully filing false reports relating to a
19 licensee's practice, including but not limited to false
20 records filed with federal or State agencies or
21 departments.

22 (18) 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 (19) 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 that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (20) Physical or mental disability, including
7 deterioration through the aging process or loss of
8 abilities and skills which results in the inability to
9 practice the profession with reasonable judgment, skill,
10 or safety.

11 (21) Solicitation of professional services by using
12 false or misleading advertising.

13 (22) Failure to file a return, or to pay the tax,
14 penalty of interest shown in a filed return, or to pay any
15 final assessment of tax, penalty or interest, as required
16 by any tax Act administered by the Illinois Department of
17 Revenue or any successor agency or the Internal Revenue
18 Service or any successor agency.

19 (23) Fraud or making any misrepresentation in applying
20 for or procuring a license under this Act or in connection
21 with applying for renewal of a license under this Act.

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

25 (25) Gross overcharging for professional services,
26 including filing statements for collection of fees or

1 monies for which services are not rendered.

2 (26) (Blank).

3 (27) Charging for professional services not rendered,
4 including filing false statements for the collection of
5 fees for which services are not rendered.

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

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

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

24 (d) The Department may refuse to issue or renew or may
25 suspend without hearing the license of any person who fails to
26 file a return, to pay the tax penalty or interest shown in a

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

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

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

23 (Source: P.A. 99-173, eff. 7-29-15; 99-633, eff. 1-1-17;
24 100-201, eff. 8-18-17; 100-513, eff. 1-1-18.)

25 Section 85. The Illinois Architecture Practice Act of 1989

1 is amended by changing Section 22 as follows:

2 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

4 Sec. 22. Refusal, suspension and revocation of licenses;
5 causes.

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

14 (1) material misstatement in furnishing information to
15 the Department;

16 (2) negligence, incompetence or misconduct in the
17 practice of architecture;

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

20 (4) making any misrepresentation for the purpose of
21 obtaining licensure;

22 (5) purposefully making false statements or signing
23 false statements, certificates or affidavits to induce
24 payment;

25 (6) conviction of or plea of guilty or nolo contendere

1 to any crime that is a felony under the laws of the United
2 States or any state or territory thereof or that is a
3 misdemeanor, an essential element of which is dishonesty,
4 or any crime that is directly related to the practice of
5 the profession of architecture;

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

8 (8) signing, affixing the architect's seal or
9 permitting the architect's seal to be affixed to any
10 technical submission not prepared by the architect or under
11 that architect's responsible control;

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 addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 that results in the inability to practice with reasonable
18 judgment, skill, or safety;

19 (11) making a statement of compliance pursuant to the
20 Environmental Barriers Act that technical submissions
21 prepared by the architect or prepared under the architect's
22 responsible control for construction or alteration of an
23 occupancy required to be in compliance with the
24 Environmental Barriers Act are in compliance with the
25 Environmental Barriers Act when such technical submissions
26 are not in compliance;

1 (12) a finding by the Board that an applicant or
2 registrant has failed to pay a fine imposed by the
3 Department or a registrant, whose license has been placed
4 on probationary status, has violated the terms of
5 probation;

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

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

14 (15) physical illness, including, but not limited to,
15 deterioration through the aging process or loss of motor
16 skill, mental illness, or disability which results in the
17 inability to practice the profession with reasonable
18 judgment, skill, and safety, including without limitation
19 deterioration through the aging process, mental illness,
20 or disability.

21 (a-5) In enforcing this Section, the Department or Board,
22 upon a showing of a possible violation, may order a licensee or
23 applicant to submit to a mental or physical examination, or
24 both, at the expense of the Department. The Department or Board
25 may order the examining physician to present testimony
26 concerning his or her examination of the licensee or applicant.

1 No information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physicians shall be specifically designated by the
5 Board or Department. The licensee or applicant may have, at his
6 or her own expense, another physician of his or her choice
7 present during all aspects of the examination. Failure of a
8 licensee or applicant to submit to any such examination when
9 directed, without reasonable cause as defined by rule, shall be
10 grounds for either the immediate suspension of his or her
11 license or immediate denial of his or her application.

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

17 If the Secretary otherwise suspends a license pursuant to
18 the results of the licensee's mental or physical examination, a
19 hearing must be convened by the Department within 15 days after
20 the suspension and completed without appreciable delay. The
21 Department and Board shall have the authority to review the
22 licensee's record of treatment and counseling regarding the
23 relevant impairment or impairments to the extent permitted by
24 applicable federal statutes and regulations safeguarding the
25 confidentiality of medical records.

26 Any licensee suspended under this subsection (a-5) shall be

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

5 (b) 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 patient is no
10 longer subject to involuntary admission or judicial admission,
11 the issuance of an order so finding and discharging the
12 patient, and the recommendation of the Board to the Secretary
13 that the licensee be allowed to resume 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.~~

21 (d) In cases where the Department of Healthcare and Family
22 Services (formerly the Department of Public Aid) has previously
23 determined that a licensee or a potential licensee is more than
24 30 days delinquent in the payment of child support and has
25 subsequently certified the delinquency to the Department, the
26 Department shall refuse to issue or renew or shall revoke or

1 suspend that person's license or shall take other disciplinary
2 action against that person based solely upon the certification
3 of delinquency made by the Department of Healthcare and Family
4 Services in accordance with subdivision (a)(5) of Section
5 2105-15 of the Department of Professional Regulation Law of the
6 Civil Administrative Code of Illinois.

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

16 (f) Persons who assist the Department as consultants or
17 expert witnesses in the investigation or prosecution of alleged
18 violations of the Act, licensure matters, restoration
19 proceedings, or criminal prosecutions, shall not be liable for
20 damages in any civil action or proceeding as a result of such
21 assistance, except upon proof of actual malice. The attorney
22 general shall defend such persons in any such action or
23 proceeding.

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

25 Section 90. The Interior Design Title Act is amended by

1 changing Section 13 as follows:

2 (225 ILCS 310/13) (from Ch. 111, par. 8213)

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

4 Sec. 13. Refusal, revocation or suspension of
5 registration. The Department may refuse to issue, renew, or
6 restore or may revoke, suspend, place on probation, reprimand
7 or take other disciplinary action as the Department may deem
8 proper, including fines not to exceed \$5,000 for each
9 violation, with regard to any registration for any one or
10 combination of the following causes:

11 (a) Fraud in procuring the certificate of
12 registration.

13 (b) Habitual intoxication or addiction to the use of
14 drugs.

15 (c) Making any misrepresentations or false promises,
16 directly or indirectly, to influence, persuade, or induce
17 patronage.

18 (d) Professional connection or association with, or
19 lending his or her name, to another for illegal use of the
20 title "registered interior designer", or professional
21 connection or association with any person, firm, or
22 corporation holding itself out in any manner contrary to
23 this Act.

24 (e) Obtaining or seeking to obtain checks, money, or
25 any other items of value by false or fraudulent

1 representations.

2 (f) Use of the title under a name other than his or her
3 own.

4 (g) Improper, unprofessional, or dishonorable conduct
5 of a character likely to deceive, defraud, or harm the
6 public.

7 (h) Conviction in this or another state, or federal
8 court, of any crime which is a felony, if the Department
9 determines, after investigation, that such person has not
10 been sufficiently rehabilitated to warrant the public
11 trust.

12 (i) A violation of any provision of this Act or its
13 rules.

14 (j) Revocation by another state, the District of
15 Columbia, territory, or foreign nation of an interior
16 design or residential interior design registration if at
17 least one of the grounds for that revocation is the same as
18 or the equivalent of one of the grounds for revocation set
19 forth in this Act.

20 (k) Mental incompetence as declared by a court of
21 competent jurisdiction.

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

1 as defined in the Abused and Neglected Child Reporting Act.

2 ~~The Department shall deny a registration or renewal~~
3 ~~authorized by this Act to any person who has defaulted on an~~
4 ~~educational loan guaranteed by the Illinois Student Assistance~~
5 ~~Commission; however, the Department may issue a certificate of~~
6 ~~registration or renewal if such person has established a~~
7 ~~satisfactory repayment record as determined by the Illinois~~
8 ~~Student Assistance Commission.~~

9 The Department may refuse to issue or may suspend the
10 registration of any person who fails to file a return, or to
11 pay the tax, penalty, or interest showing in a filed return, or
12 to pay any final assessment of tax, penalty, or interest, as
13 required by any tax Act administered by the Illinois Department
14 of Revenue, until such time as the requirements of any such tax
15 Act are satisfied.

16 The entry of a decree by any circuit court establishing
17 that any person holding a certificate of registration under
18 this Act is a person subject to involuntary admission under the
19 Mental Health and Developmental Disabilities Code shall
20 operate as a suspension of that registration. That person may
21 resume using the title "registered interior designer" only upon
22 a finding by the Board that he or she has been determined to be
23 no longer subject to involuntary admission by the court and
24 upon the Board's recommendation to the Director that he or she
25 be permitted to resume using the title "registered interior
26 designer".

1 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

2 Section 95. The Professional Engineering Practice Act of
3 1989 is amended by changing Section 24 as follows:

4 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

6 Sec. 24. Rules of professional conduct; disciplinary or
7 administrative action.

8 (a) The Department shall adopt rules setting standards of
9 professional conduct and establish appropriate penalties for
10 the breach of such rules.

11 (a-1) The Department may, singularly or in combination,
12 refuse to issue, renew, or restore a license or may revoke,
13 suspend, place on probation, reprimand, or take other
14 disciplinary or non-disciplinary action with regard to a person
15 licensed under this Act, including but not limited to, the
16 imposition of a fine not to exceed \$10,000 per violation upon
17 any person, corporation, partnership, or professional design
18 firm licensed or registered under this Act, for any one or
19 combination of the following causes:

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

22 (2) Violations of this Act or any of its rules.

23 (3) Conviction of or entry of a plea of guilty or nolo
24 contendere to any crime that is a felony under the laws of

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

5 (4) Making any misrepresentation for the purpose of
6 obtaining, renewing, or restoring a license or violating
7 any provision of this Act or the rules promulgated under
8 this Act pertaining to advertising.

9 (5) Willfully making or signing a false statement,
10 certificate, or affidavit to induce payment.

11 (6) Negligence, incompetence or misconduct in the
12 practice of professional engineering as a licensed
13 professional engineer or in working as an engineer intern.

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

16 (8) Failing to provide information in response to a
17 written request made by the Department within 30 days after
18 receipt of such written request.

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

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

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

6 (12) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership or association
8 any fee, commission, rebate or other form of compensation
9 for any professional services not actually or personally
10 rendered.

11 (13) A finding by the Department that an applicant or
12 registrant has failed to pay a fine imposed by the
13 Department, a registrant whose license has been placed on
14 probationary status has violated the terms of probation, or
15 a registrant has practiced on an expired, inactive,
16 suspended, or revoked license.

17 (14) Signing, affixing the professional engineer's
18 seal or permitting the professional engineer's seal to be
19 affixed to any technical submissions not prepared as
20 required by Section 14 or completely reviewed by the
21 professional engineer or under the professional engineer's
22 direct supervision.

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

1 (16) The making of a statement pursuant to the
2 Environmental Barriers Act that a plan for construction or
3 alteration of a public facility or for construction of a
4 multi-story housing unit is in compliance with the
5 Environmental Barriers Act when such plan is not in
6 compliance.

7 (17) (Blank).

8 (a-2) The Department shall deny a license or renewal
9 authorized by this Act to a person who has failed to file a
10 return, to pay the tax, penalty, or interest shown in a filed
11 return, or to pay any final assessment of tax, penalty, or
12 interest as required by any tax Act administered by the
13 Department of Revenue, until such time as the requirements of
14 the tax Act are satisfied in accordance with subsection (g) of
15 Section 2105-15 of the Department of Professional Regulation
16 Law of the Civil Administrative Code of Illinois (20 ILCS
17 2105/2105-15).

18 (a-3) (Blank). ~~The Department shall deny a license or~~
19 ~~renewal authorized by this Act to a person who has defaulted on~~
20 ~~an educational loan or scholarship provided or guaranteed by~~
21 ~~the Illinois Student Assistance Commission or any governmental~~
22 ~~agency of this State in accordance with subdivision (a) (5) of~~
23 ~~Section 2105-15 of the Department of Professional Regulation~~
24 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
25 ~~2105/2105-15).~~

26 (a-4) In cases where the Department of Healthcare and

1 Family Services (formerly the Department of Public Aid) has
2 previously determined that a licensee or a potential licensee
3 is more than 30 days delinquent in the payment of child support
4 and has subsequently certified the delinquency to the
5 Department, the Department shall refuse to issue or renew or
6 shall revoke or suspend that person's license or shall take
7 other disciplinary action against that person based solely upon
8 the certification of delinquency made by the Department of
9 Healthcare and Family Services in accordance with subdivision
10 (a) (5) of Section 2105-15 of the Department of Professional
11 Regulation Law of the Civil Administrative Code of Illinois (20
12 ILCS 2105/2105-15).

13 (a-5) In enforcing this Section, the Department or Board,
14 upon a showing of a possible violation, may order a licensee or
15 applicant to submit to a mental or physical examination, or
16 both, at the expense of the Department. The Department or Board
17 may order the examining physician to present testimony
18 concerning his or her examination of the licensee or applicant.
19 No information shall be excluded by reason of any common law or
20 statutory privilege relating to communications between the
21 licensee or applicant and the examining physician. The
22 examining physicians shall be specifically designated by the
23 Board or Department. The licensee or applicant may have, at his
24 or her own expense, another physician of his or her choice
25 present during all aspects of the examination. Failure of a
26 licensee or applicant to submit to any such examination when

1 directed, without reasonable cause as defined by rule, shall be
2 grounds for either the immediate suspension of his or her
3 license or immediate denial of his or her application.

4 If the Secretary immediately suspends the license of a
5 licensee for his or her failure to submit to a mental or
6 physical examination when directed, a hearing must be convened
7 by the Department within 15 days after the suspension and
8 completed without appreciable delay.

9 If the Secretary otherwise suspends a license pursuant to
10 the results of the licensee's mental or physical examination, a
11 hearing must be convened by the Department within 15 days after
12 the suspension and completed without appreciable delay. The
13 Department and Board shall have the authority to review the
14 licensee's record of treatment and counseling regarding the
15 relevant impairment or impairments to the extent permitted by
16 applicable federal statutes and regulations safeguarding the
17 confidentiality of medical records.

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

23 (b) 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, as now or hereafter amended, operates as an automatic

1 suspension. Such suspension will end only upon a finding by a
2 court that the patient is no longer subject to involuntary
3 admission or judicial admission, the issuance of an order so
4 finding and discharging the patient, and the recommendation of
5 the Board to the Director that the registrant be allowed to
6 resume practice.

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

8 Section 100. The Illinois Professional Land Surveyor Act of
9 1989 is amended by changing Section 27 as follows:

10 (225 ILCS 330/27) (from Ch. 111, par. 3277)

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

12 Sec. 27. Grounds for disciplinary action.

13 (a) The Department may refuse to issue or renew a license,
14 or may place on probation or administrative supervision,
15 suspend, or revoke any license, or may reprimand or take any
16 disciplinary or non-disciplinary action as the Department may
17 deem proper, including the imposition of fines not to exceed
18 \$10,000 per violation, upon any person, corporation,
19 partnership, or professional land surveying firm licensed or
20 registered under this Act for any of the following reasons:

21 (1) material misstatement in furnishing information to
22 the Department;

23 (2) violation, including, but not limited to, neglect
24 or intentional disregard, of this Act, or its rules;

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

7 (4) making any misrepresentation for the purpose of
8 obtaining a license, or in applying for restoration or
9 renewal, or the practice of any fraud or deceit in taking
10 any examination to qualify for licensure under this Act;

11 (5) purposefully making false statements or signing
12 false statements, certificates, or affidavits to induce
13 payment;

14 (6) proof of carelessness, incompetence, negligence,
15 or misconduct in practicing land surveying;

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

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

21 (9) engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public;

24 (10) inability to practice with reasonable judgment,
25 skill, or safety as a result of habitual or excessive use
26 of, or addiction to, alcohol, narcotics, stimulants or any

1 other chemical agent or drug;

2 (11) discipline by the United States government,
3 another state, District of Columbia, territory, foreign
4 nation or government agency if at least one of the grounds
5 for the discipline is the same or substantially equivalent
6 to those set forth in this Act;

7 (12) directly or indirectly giving to or receiving from
8 any person, firm, corporation, partnership, or association
9 any fee, commission, rebate, or other form of compensation
10 for any professional services not actually or personally
11 rendered;

12 (12.5) issuing a map or plat of survey where the fee
13 for professional services is contingent on a real estate
14 transaction closing;

15 (13) a finding by the Department that an applicant or
16 licensee has failed to pay a fine imposed by the Department
17 or a licensee whose license has been placed on probationary
18 status has violated the terms of probation;

19 (14) practicing on an expired, inactive, suspended, or
20 revoked license;

21 (15) signing, affixing the Professional Land
22 Surveyor's seal or permitting the Professional Land
23 Surveyor's seal to be affixed to any map or plat of survey
24 not prepared by the Professional Land Surveyor or under the
25 Professional Land Surveyor's direct supervision and
26 control;

1 (16) inability to practice the profession with
2 reasonable judgment, skill, or safety as a result of
3 physical illness, including, but not limited to,
4 deterioration through the aging process or loss of motor
5 skill or a mental illness or disability;

6 (17) (blank); or

7 (18) failure to adequately supervise or control land
8 surveying operations being performed by subordinates.

9 (a-5) In enforcing this Section, the Department or Board,
10 upon a showing of a possible violation, may compel a person
11 licensed to practice under this Act, or who has applied for
12 licensure or certification pursuant to this Act, to submit to a
13 mental or physical examination, or both, as required by and at
14 the expense of the Department. The Department or Board may
15 order the examining physician to present testimony concerning
16 the mental or physical examination of the licensee or
17 applicant. No information shall be excluded by reason of any
18 common law or statutory privilege relating to communications
19 between the licensee or applicant and the examining physician.
20 The examining physicians shall be specifically designated by
21 the Board or Department. The individual to be examined may
22 have, at his or her own expense, another physician of his or
23 her choice present during all aspects of the examination.
24 Failure of an individual to submit to a mental or physical
25 examination when directed shall be grounds for the immediate
26 suspension of his or her license until the individual submits

1 to the examination if the Department finds that the refusal to
2 submit to the examination was without reasonable cause as
3 defined by rule.

4 If the Secretary immediately suspends the license of a
5 licensee for his or her failure to submit to a mental or
6 physical examination when directed, a hearing must be convened
7 by the Department within 15 days after the suspension and
8 completed without appreciable delay.

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

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

24 (b) 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, as now or hereafter amended, operates as an automatic
2 license suspension. Such suspension will end only upon a
3 finding by a court that the patient is no longer subject to
4 involuntary admission or judicial admission and the issuance of
5 an order so finding and discharging the patient and upon the
6 recommendation of the Board to the Director that the licensee
7 be allowed to resume his or her practice.

8 (c) (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 subdivision (a) (5) of~~
13 ~~Section 2105-15 of the Department of Professional Regulation~~
14 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
15 ~~2105/2105-15).~~

16 (d) In cases where the Department of Healthcare and Family
17 Services (formerly the Department of Public Aid) has previously
18 determined that a licensee or a potential licensee is more than
19 30 days delinquent in the payment of child support and has
20 subsequently certified the delinquency to the Department, the
21 Department shall refuse to issue or renew or shall revoke or
22 suspend that person's license or shall take other disciplinary
23 action against that person based solely upon the certification
24 of delinquency made by the Department of Healthcare and Family
25 Services in accordance with subdivision (a) (5) of Section
26 2105-15 of the Department of Professional Regulation Law of the

1 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

2 (e) The Department shall refuse to issue or renew or shall
3 revoke or suspend a person's license or shall take other
4 disciplinary action against that person for his or her failure
5 to file a return, to pay the tax, penalty, or interest shown in
6 a filed return, or to pay any final assessment of tax, penalty,
7 or interest as required by any tax Act administered by the
8 Department of Revenue, until such time as the requirements of
9 the tax Act are satisfied in accordance with subsection (g) of
10 Section 2105-15 of the Department of Professional Regulation
11 Law of the Civil Administrative Code of Illinois (20 ILCS
12 2105/2105-15).

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

14 Section 105. The Illinois Roofing Industry Licensing Act is
15 amended by changing Section 9.1 as follows:

16 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

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

18 Sec. 9.1. Grounds for disciplinary action.

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

1 (a) violation of this Act or its rules;

2 (b) for licensees, conviction or plea of guilty or nolo
3 contendere, finding of guilt, jury verdict, or entry of
4 judgment or sentencing of any crime, including, but not
5 limited to, convictions, preceding sentences of
6 supervision, conditional discharge, or first offender
7 probation, under the laws of any jurisdiction of the United
8 States that is (i) a felony or (ii) a misdemeanor, an
9 essential element of which is dishonesty or that is
10 directly related to the practice of the profession and, for
11 initial applicants, convictions set forth in Section 7.1 of
12 this Act;

13 (c) fraud or any misrepresentation in applying for or
14 procuring a license under this Act, or in connection with
15 applying for renewal of a license under this Act;

16 (d) professional incompetence or gross negligence in
17 the practice of roofing contracting, prima facie evidence
18 of which may be a conviction or judgment in any court of
19 competent jurisdiction against an applicant or licensee
20 relating to the practice of roofing contracting or the
21 construction of a roof or repair thereof that results in
22 leakage within 90 days after the completion of such work;

23 (e) (blank);

24 (f) aiding or assisting another person in violating any
25 provision of this Act or rules;

26 (g) failing, within 60 days, to provide information in

1 response to a written request made by the Department;

2 (h) engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public;

5 (i) habitual or excessive use or abuse of controlled
6 substances, as defined by the Illinois Controlled
7 Substances Act, alcohol, or any other substance that
8 results in the inability to practice with reasonable
9 judgment, skill, or safety;

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

15 (k) directly or indirectly giving to or receiving from
16 any person, firm, corporation, partnership, or association
17 any fee, commission, rebate, or other form of compensation
18 for any professional services not actually or personally
19 rendered;

20 (l) a finding by the Department that the licensee,
21 after having his or her license disciplined, has violated
22 the terms of the discipline;

23 (m) a finding by any court of competent jurisdiction,
24 either within or without this State, of any violation of
25 any law governing the practice of roofing contracting, if
26 the Department determines, after investigation, that such

1 person has not been sufficiently rehabilitated to warrant
2 the public trust;

3 (n) willfully making or filing false records or reports
4 in the practice of roofing contracting, including, but not
5 limited to, false records filed with the State agencies or
6 departments;

7 (o) practicing, attempting to practice, or advertising
8 under a name other than the full name as shown on the
9 license or any other legally authorized name;

10 (p) gross and willful overcharging for professional
11 services including filing false statements for collection
12 of fees or monies for which services are not rendered;

13 (q) (blank);

14 (r) (blank);

15 (s) failure to continue to meet the requirements of
16 this Act shall be deemed a violation;

17 (t) physical or mental disability, including
18 deterioration through the aging process or loss of
19 abilities and skills that result in an inability to
20 practice the profession with reasonable judgment, skill,
21 or safety;

22 (u) material misstatement in furnishing information to
23 the Department or to any other State agency;

24 (v) (blank);

25 (w) advertising in any manner that is false,
26 misleading, or deceptive;

1 (x) taking undue advantage of a customer, which results
2 in the perpetration of a fraud;

3 (y) performing any act or practice that is a violation
4 of the Consumer Fraud and Deceptive Business Practices Act;

5 (z) engaging in the practice of roofing contracting, as
6 defined in this Act, with a suspended, revoked, or
7 cancelled license;

8 (aa) treating any person differently to the person's
9 detriment because of race, color, creed, gender, age,
10 religion, or national origin;

11 (bb) knowingly making any false statement, oral,
12 written, or otherwise, of a character likely to influence,
13 persuade, or induce others in the course of obtaining or
14 performing roofing contracting services;

15 (cc) violation of any final administrative action of
16 the Secretary;

17 (dd) allowing the use of his or her roofing license by
18 an unlicensed roofing contractor for the purposes of
19 providing roofing or waterproofing services; or

20 (ee) (blank);

21 (ff) cheating or attempting to subvert a licensing
22 examination administered under this Act; or

23 (gg) use of a license to permit or enable an unlicensed
24 person to provide roofing contractor services.

25 (2) The determination by a circuit court that a license
26 holder is subject to involuntary admission or judicial

1 admission, as provided in the Mental Health and Developmental
2 Disabilities Code, operates as an automatic suspension. Such
3 suspension will end only upon a finding by a court that the
4 patient is no longer subject to involuntary admission or
5 judicial admission, an order by the court so finding and
6 discharging the patient, and the recommendation of the Board to
7 the Director that the license holder be allowed to resume his
8 or her practice.

9 (3) The Department may refuse to issue or take disciplinary
10 action concerning the license of any person who fails to file a
11 return, to pay the tax, penalty, or interest shown in a filed
12 return, or to pay any final assessment of tax, penalty, or
13 interest as required by any tax Act administered by the
14 Department of Revenue, until such time as the requirements of
15 any such tax Act are satisfied as determined by the Department
16 of Revenue.

17 (4) In enforcing this Section, the Department, upon a
18 showing of a possible violation, may compel any individual who
19 is licensed under this Act or any individual who has applied
20 for licensure to submit to a mental or physical examination or
21 evaluation, or both, which may include a substance abuse or
22 sexual offender evaluation, at the expense of the Department.
23 The Department shall specifically designate the examining
24 physician licensed to practice medicine in all of its branches
25 or, if applicable, the multidisciplinary team involved in
26 providing the mental or physical examination and evaluation.

1 The multidisciplinary team shall be led by a physician licensed
2 to practice medicine in all of its branches and may consist of
3 one or more or a combination of physicians licensed to practice
4 medicine in all of its branches, licensed chiropractic
5 physicians, licensed clinical psychologists, licensed clinical
6 social workers, licensed clinical professional counselors, and
7 other professional and administrative staff. Any examining
8 physician or member of the multidisciplinary team may require
9 any person ordered to submit to an examination and evaluation
10 pursuant to this Section to submit to any additional
11 supplemental testing deemed necessary to complete any
12 examination or evaluation process, including, but not limited
13 to, blood testing, urinalysis, psychological testing, or
14 neuropsychological testing.

15 (5) The Department may order the examining physician or any
16 member of the multidisciplinary team to provide to the
17 Department any and all records, including business records,
18 that relate to the examination and evaluation, including any
19 supplemental testing performed. The Department may order the
20 examining physician or any member of the multidisciplinary team
21 to present testimony concerning this examination and
22 evaluation of the licensee or applicant, including testimony
23 concerning any supplemental testing or documents relating to
24 the examination and evaluation. No information, report,
25 record, or other documents in any way related to the
26 examination and evaluation shall be excluded by reason of any

1 common law or statutory privilege relating to communication
2 between the licensee or applicant and the examining physician
3 or any member of the multidisciplinary team. No authorization
4 is necessary from the licensee or applicant ordered to undergo
5 an evaluation and examination for the examining physician or
6 any member of the multidisciplinary team to provide
7 information, reports, records, or other documents or to provide
8 any testimony regarding the examination and evaluation. The
9 individual to be examined may have, at his or her own expense,
10 another physician of his or her choice present during all
11 aspects of the examination.

12 (6) Failure of any individual to submit to mental or
13 physical examination or evaluation, or both, when directed,
14 shall result in an automatic suspension without hearing until
15 such time as the individual submits to the examination. If the
16 Department finds a licensee unable to practice because of the
17 reasons set forth in this Section, the Department shall require
18 the licensee to submit to care, counseling, or treatment by
19 physicians approved or designated by the Department as a
20 condition for continued, reinstated, or renewed licensure.

21 (7) When the Secretary immediately suspends a license under
22 this Section, a hearing upon such person's license must be
23 convened by the Department within 15 days after the suspension
24 and completed without appreciable delay. The Department shall
25 have the authority to review the licensee's record of treatment
26 and counseling regarding the impairment to the extent permitted

1 by applicable federal statutes and regulations safeguarding
2 the confidentiality of medical records.

3 (8) Licensees affected under this Section shall be afforded
4 an opportunity to demonstrate to the Department that they can
5 resume practice in compliance with acceptable and prevailing
6 standards under the provisions of their license.

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

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

1 The changes to this Act made by this amendatory Act of 1997
2 apply only to disciplinary actions relating to events occurring
3 after the effective date of this amendatory Act of 1997.

4 (Source: P.A. 99-469, eff. 8-26-15; 99-876, eff. 1-1-17.)

5 Section 110. The Structural Engineering Practice Act of
6 1989 is amended by changing Section 20 as follows:

7 (225 ILCS 340/20) (from Ch. 111, par. 6620)

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

9 Sec. 20. Refusal; revocation; suspension.

10 (a) The Department may refuse to issue or renew, or may
11 revoke a license, or may suspend, place on probation, fine, or
12 take any disciplinary or non-disciplinary action as the
13 Department may deem proper, including a fine not to exceed
14 \$10,000 for each violation, with regard to any licensee for any
15 one or combination of the following reasons:

16 (1) Material misstatement in furnishing information to
17 the Department;

18 (2) Negligence, incompetence or misconduct in the
19 practice of structural engineering;

20 (3) Making any misrepresentation for the purpose of
21 obtaining licensure;

22 (4) The affixing of a licensed structural engineer's
23 seal to any plans, specifications or drawings which have
24 not been prepared by or under the immediate personal

1 supervision of that licensed structural engineer or
2 reviewed as provided in this Act;

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

9 (6) Making a statement of compliance pursuant to the
10 Environmental Barriers Act, as now or hereafter amended,
11 that a plan for construction or alteration of a public
12 facility or for construction of a multi-story housing unit
13 is in compliance with the Environmental Barriers Act when
14 such plan is not in compliance;

15 (7) Failure to comply with any of the provisions of
16 this Act or its rules;

17 (8) Aiding or assisting another person in violating any
18 provision of this Act or its rules;

19 (9) Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public, as defined by rule;

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

26 (11) Failure of an applicant or licensee to pay a fine

1 imposed by the Department or a licensee whose license has
2 been placed on probationary status has violated the terms
3 of probation;

4 (12) Discipline by another state, territory, foreign
5 country, the District of Columbia, the United States
6 government, or any other governmental agency, if at least
7 one of the grounds for discipline is the same or
8 substantially equivalent to those set forth in this
9 Section;

10 (13) Failure to provide information in response to a
11 written request made by the Department within 30 days after
12 the receipt of such written request; or

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

18 (a-5) In enforcing this Section, the Department or Board,
19 upon a showing of a possible violation, may order a licensee or
20 applicant to submit to a mental or physical examination, or
21 both, at the expense of the Department. The Department or Board
22 may order the examining physician to present testimony
23 concerning his or her examination of the licensee or applicant.
24 No 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 physicians shall be specifically designated by the
2 Board or Department. The licensee or applicant may have, at his
3 or her own expense, another physician of his or her choice
4 present during all aspects of the examination. Failure of a
5 licensee or applicant to submit to any such examination when
6 directed, without reasonable cause as defined by rule, shall be
7 grounds for either the immediate suspension of his or her
8 license or immediate denial of his or her application.

9 If the Secretary immediately suspends the license of a
10 licensee for his or her failure to submit to a mental or
11 physical examination when directed, a hearing must be convened
12 by the Department within 15 days after the suspension and
13 completed without appreciable delay.

14 If the Secretary otherwise suspends a license pursuant to
15 the results of the licensee's mental or physical examination, a
16 hearing must be convened by the Department within 15 days after
17 the suspension and completed without appreciable delay. The
18 Department and Board shall have the authority to review the
19 licensee's record of treatment and counseling regarding the
20 relevant impairment or impairments to the extent permitted by
21 applicable federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 Any licensee suspended under this subsection (a-5) shall be
24 afforded an opportunity to demonstrate to the Department or
25 Board that he or she can resume practice in compliance with the
26 acceptable and prevailing standards under the provisions of his

1 or her license.

2 (b) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission, as
4 provided in the Mental Health and Developmental Disabilities
5 Code, operates as an automatic suspension. Such suspension will
6 end only upon a finding by a court that the patient is no
7 longer subject to involuntary admission or judicial admission,
8 the issuance of an order so finding and discharging the
9 patient, and the recommendation of the Board to the Secretary
10 that the licensee be allowed to resume practice.

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

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

1 Services in accordance with subdivision (a)(5) of Section
2 2105-15 of the Department of Professional Regulation Law of the
3 Civil Administrative Code of Illinois.

4 (e) The Department shall deny a license or renewal
5 authorized by this Act to a person who has failed to file a
6 return, to pay the tax, penalty, or interest shown in a filed
7 return, or to pay any final assessment of tax, penalty, or
8 interest as required by any tax Act administered by the
9 Department of Revenue, until such time as the requirements of
10 the tax Act are satisfied in accordance with subsection (g) of
11 Section 2105-15 of the Department of Professional Regulation
12 Law of the Civil Administrative Code of Illinois.

13 (f) Persons who assist the Department as consultants or
14 expert witnesses in the investigation or prosecution of alleged
15 violations of the Act, licensure matters, restoration
16 proceedings, or criminal prosecutions, are not liable for
17 damages in any civil action or proceeding as a result of such
18 assistance, except upon proof of actual malice. The Attorney
19 General of the State of Illinois shall defend such persons in
20 any such action or proceeding.

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

22 Section 115. The Auction License Act is amended by changing
23 Section 20-20 as follows:

24 (225 ILCS 407/20-20)

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

2 Sec. 20-20. Termination without hearing for failure to pay
3 taxes or ~~7~~ child support, ~~or a student loan~~. The Department may
4 terminate or otherwise discipline any license issued under this
5 Act without hearing if the appropriate administering agency
6 provides adequate information and proof that the licensee has:

7 (1) failed to file a return, to pay the tax, penalty,
8 or interest shown in a filed return, or to pay any final
9 assessment of tax, penalty, or interest, as required by any
10 tax act administered by the Illinois Department of Revenue
11 until the requirements of the tax act are satisfied;

12 (2) failed to pay any court ordered child support as
13 determined by a court order or by referral from the
14 Department of Healthcare and Family Services (formerly
15 Illinois Department of Public Aid); or

16 (3) (blank). ~~failed to repay any student loan or~~
17 ~~assistance as determined by the Illinois Student~~
18 ~~Assistance Commission.~~

19 If a license is terminated or otherwise disciplined
20 pursuant to this Section, the licensee may request a hearing as
21 provided by this Act within 30 days of notice of termination or
22 discipline.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-572, eff. 6-1-08.)

24 Section 120. The Barber, Cosmetology, Esthetics, Hair
25 Braiding, and Nail Technology Act of 1985 is amended by

1 changing Section 4-7 as follows:

2 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

4 Sec. 4-7. Refusal, suspension and revocation of licenses;
5 causes; disciplinary action.

6 (1) The Department may refuse to issue or renew, and may
7 suspend, revoke, place on probation, reprimand or take any
8 other disciplinary or non-disciplinary action as the
9 Department may deem proper, including civil penalties not to
10 exceed \$500 for each violation, with regard to any license for
11 any one, or any combination, of the following causes:

12 a. For licensees, conviction of any crime under the
13 laws of the United States or any state or territory thereof
14 that is (i) a felony, (ii) a misdemeanor, an essential
15 element of which is dishonesty, or (iii) a crime which is
16 related to the practice of the profession and, for initial
17 applicants, convictions set forth in Section 4-6.1 of this
18 Act.

19 b. Conviction of any of the violations listed in
20 Section 4-20.

21 c. Material misstatement in furnishing information to
22 the Department.

23 d. Making any misrepresentation for the purpose of
24 obtaining a license or violating any provision of this Act
25 or its rules.

1 e. Aiding or assisting another person in violating any
2 provision of this Act or its rules.

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

5 g. Discipline by another state, territory, or country
6 if at least one of the grounds for the discipline is the
7 same as or substantially equivalent to those set forth in
8 this Act.

9 h. Practice in the barber, nail technology, esthetics,
10 hair braiding, or cosmetology profession, or an attempt to
11 practice in those professions, by fraudulent
12 misrepresentation.

13 i. Gross malpractice or gross incompetency.

14 j. Continued practice by a person knowingly having an
15 infectious or contagious disease.

16 k. Solicitation of professional services by using
17 false or misleading advertising.

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

21 m. 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 n. Violating any of the provisions of this Act or rules

1 adopted pursuant to this Act.

2 o. Willfully making or filing false records or reports
3 relating to a licensee's practice, including but not
4 limited to, false records filed with State agencies or
5 departments.

6 p. Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in the inability to practice with reasonable
9 judgment, skill or safety.

10 q. Engaging in dishonorable, unethical or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public as may be defined by rules of
13 the Department, or violating the rules of professional
14 conduct which may be adopted by the Department.

15 r. Permitting any person to use for any unlawful or
16 fraudulent purpose one's diploma or license or certificate
17 of registration as a cosmetologist, nail technician,
18 esthetician, hair braider, or barber or cosmetology, nail
19 technology, esthetics, hair braiding, or barber teacher or
20 salon or shop or cosmetology clinic teacher.

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

1 t. Operating a salon or shop without a valid
2 registration.

3 u. Failure to complete required continuing education
4 hours.

5 (2) In rendering an order, the Secretary shall take into
6 consideration the facts and circumstances involving the type of
7 acts or omissions in paragraph (1) of this Section including,
8 but not limited to:

9 (a) the extent to which public confidence in the
10 cosmetology, nail technology, esthetics, hair braiding, or
11 barbering profession was, might have been, or may be,
12 injured;

13 (b) the degree of trust and dependence among the
14 involved parties;

15 (c) the character and degree of harm which did result
16 or might have resulted;

17 (d) the intent or mental state of the licensee at the
18 time of the acts or omissions.

19 (3) The Department may reissue the license or registration
20 upon certification by the Board that the disciplined licensee
21 or registrant has complied with all of the terms and conditions
22 set forth in the final order or has been sufficiently
23 rehabilitated to warrant the public trust.

24 (4) The Department shall refuse to issue or renew or
25 suspend without hearing the license or certificate of
26 registration of any person who fails to file a return, or to

1 pay the tax, penalty or interest shown in a filed return, or to
2 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 requirements of any such tax
5 Act are satisfied as determined by the Department of Revenue.

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

14 (6) All fines imposed under this Section shall be paid
15 within 60 days after the effective date of the order imposing
16 the fine or in accordance with the terms set forth in the order
17 imposing the fine.

18 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15;
19 99-876, eff. 1-1-17.)

20 Section 125. The Electrologist Licensing Act is amended by
21 changing Section 75 as follows:

22 (225 ILCS 412/75)

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

24 Sec. 75. Grounds for discipline.

1 (a) The Department may refuse to issue or renew and may
2 revoke or suspend a license under this Act, and may place on
3 probation, reprimand, or take other disciplinary or
4 non-disciplinary action with regard to any licensee under this
5 Act, as the Department may consider appropriate, including
6 imposing fines not to exceed \$10,000 for each violation and
7 assess costs as provided for under Section 95 of this Act, for
8 one or any combination of the following causes:

9 (1) Material misstatement in furnishing information to
10 the Department.

11 (2) Violation of this Act or rules adopted under this
12 Act.

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 that is (i) a felony or
19 (ii) a misdemeanor, an essential element of which is
20 dishonesty, or that is directly related to the practice of
21 electrology.

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

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

1 (6) Failing to provide information within 60 days in
2 response to a written request made by the Department.

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

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

10 (9) Discipline by another governmental agency, unit of
11 government, U.S. jurisdiction, or foreign nation if at
12 least one of the grounds for discipline is the same as or
13 substantially equivalent to any of those set forth in this
14 Act.

15 (10) Directly or indirectly giving to or receiving from
16 any person, firm, corporation, partnership, or association
17 any fee, commission, rebate, or other form of compensation
18 for any professional services not actually or personally
19 rendered. Nothing in this paragraph (10) affects any bona
20 fide independent contractor or employment arrangements
21 among health care professionals, health facilities, health
22 care providers, or other entities, except as otherwise
23 prohibited by law. Any employment arrangements with health
24 care providers may include provisions for compensation,
25 health insurance, pension, or other employment benefits
26 for the provision of services within the scope of the

1 licensee's practice under this Act. Nothing in this
2 paragraph (10) shall be construed to require an employment
3 arrangement to receive professional fees for services
4 rendered.

5 (11) A finding by the Department that the licensee,
6 after having his or her license placed on probationary
7 status, has violated the terms of probation.

8 (12) Abandonment of a patient.

9 (13) Willfully making or filing false records or
10 reports in the licensee's practice, including, but not
11 limited to, false records filed with State agencies or
12 departments.

13 (14) Mental or physical illness or disability,
14 including, but not limited to, deterioration through the
15 aging process or loss of motor skill that results in the
16 inability to practice the profession with reasonable
17 judgment, skill, or safety.

18 (15) Negligence in his or her practice under this Act.

19 (16) Use of fraud, deception, or any unlawful means in
20 applying for and securing a license as an electrologist.

21 (17) Immoral conduct in the commission of any act, such
22 as sexual abuse, sexual misconduct, or sexual
23 exploitation, related to the licensee's practice.

24 (18) Failure to comply with standards of sterilization
25 and sanitation as defined in the rules of the Department.

26 (19) Charging for professional services not rendered,

1 including filing false statements for the collection of
2 fees for which services are not rendered.

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

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

14 (c) The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code operates as an automatic suspension. The suspension will
18 end only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission,
20 the issuance of an order so finding and discharging the
21 patient, and the filing of a petition for restoration
22 demonstrating fitness to practice.

23 (d) In enforcing this Section, the Department, upon a
24 showing of a possible violation, may compel any individual who
25 is licensed to practice under this Act or any individual who
26 has applied for licensure to submit to a mental or physical

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

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

18 Failure of any individual to submit to mental or physical
19 examination and evaluation, or both, when directed, shall
20 result in an automatic suspension without hearing, until such
21 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 to

1 practice.

2 When the Secretary immediately suspends a license under
3 this Section, a hearing upon the 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 affected under this
11 Section shall be afforded an opportunity to demonstrate to the
12 Department that they can resume practice in compliance with
13 acceptable and prevailing standards under the provisions of
14 their license.

15 (e) (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 item (5) of subsection~~
20 ~~(a) of Section 2105-15 of the Department of Professional~~
21 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

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

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

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

12 (Source: P.A. 98-363, eff. 8-16-13.)

13 Section 130. The Illinois Certified Shorthand Reporters
14 Act of 1984 is amended by changing Section 23 as follows:

15 (225 ILCS 415/23) (from Ch. 111, par. 6223)

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

17 Sec. 23. Grounds for disciplinary action.

18 (a) The Department may refuse to issue or renew, or may
19 revoke, suspend, place on probation, reprimand or take other
20 disciplinary or non-disciplinary action as the Department may
21 deem appropriate, including imposing fines not to exceed
22 \$10,000 for each violation and the assessment of costs as
23 provided for in Section 23.3 of this Act, with regard to any
24 license for any one or combination of the following:

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

3 (2) Violations of this Act, or of the rules promulgated
4 thereunder;

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

14 (4) Fraud or any misrepresentation in applying for or
15 procuring a license under this Act or in connection with
16 applying for renewal of a license under this Act;

17 (5) Professional incompetence;

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

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

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

26 (9) Habitual or excessive use or abuse of drugs defined

1 in law as controlled substances, alcohol, or any other
2 substances that results in the inability to practice with
3 reasonable judgment, skill, or safety;

4 (10) Discipline by another state, unit of government,
5 government agency, the District of Columbia, a territory,
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 herein;

9 (11) Charging for professional services not rendered,
10 including filing false statements for the collection of
11 fees for which services were not rendered, or giving,
12 directly or indirectly, any gift or anything of value to
13 attorneys or their staff or any other persons or entities
14 associated with any litigation, that exceeds \$100 total per
15 year; for the purposes of this Section, pro bono services,
16 as defined by State law, are permissible in any amount;

17 (12) A finding by the Board that the certificate
18 holder, after having his certificate placed on
19 probationary status, has violated the terms of probation;

20 (13) Willfully making or filing false records or
21 reports in the practice of shorthand reporting, including
22 but not limited to false records filed with State agencies
23 or departments;

24 (14) Physical illness, including but not limited to,
25 deterioration through the aging process, or loss of motor
26 skill which results in the inability to practice under this

1 Act with reasonable judgment, skill or safety;

2 (15) Solicitation of professional services other than
3 by permitted advertising;

4 (16) Willful failure to take full and accurate
5 stenographic notes of any proceeding;

6 (17) Willful alteration of any stenographic notes
7 taken at any proceeding;

8 (18) Willful failure to accurately transcribe verbatim
9 any stenographic notes taken at any proceeding;

10 (19) Willful alteration of a transcript of
11 stenographic notes taken at any proceeding;

12 (20) Affixing one's signature to any transcript of his
13 stenographic notes or certifying to its correctness unless
14 the transcript has been prepared by him or under his
15 immediate supervision;

16 (21) Willful failure to systematically retain
17 stenographic notes or transcripts on paper or any
18 electronic media for 10 years from the date that the notes
19 or transcripts were taken;

20 (22) Failure to deliver transcripts in a timely manner
21 or in accordance with contractual agreements;

22 (23) Establishing contingent fees as a basis of
23 compensation;

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

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

3 (26) Cheating on or attempting to subvert the licensing
4 examination administered under this Act;

5 (27) Allowing one's license under this Act to be used
6 by an unlicensed person in violation of this Act.

7 All fines imposed under this Section shall be paid within
8 60 days after the effective date of the order imposing the fine
9 or in accordance with the terms set forth in the order imposing
10 the fine.

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

23 (c) 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 item (5) of
6 subsection (a) of Section 2105-15 of the Civil Administrative
7 Code of Illinois.

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

1 to an examination and evaluation pursuant to this Section to
2 submit to any additional supplemental testing deemed necessary
3 to complete any examination or evaluation process, including,
4 but not limited to, blood testing, urinalysis, psychological
5 testing, or neuropsychological testing.

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

1 individual to be examined may have, at his or her own expense,
2 another physician of his or her choice present during all
3 aspects of the examination.

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

14 When the Secretary immediately suspends a certificate
15 under this Section, a hearing upon the person's certificate
16 must be convened by the Department within 15 days after the
17 suspension and completed without appreciable delay. The
18 Department shall have the authority to review the certified
19 shorthand reporter's record of treatment and counseling
20 regarding the impairment, to the extent permitted by applicable
21 federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 Individuals certified under this Act, affected under this
24 Section, shall be afforded an opportunity to demonstrate to the
25 Department that they can resume practice in compliance with
26 acceptable and prevailing standards under the provisions of

1 their certification.

2 (e) (Blank). ~~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 in accordance with item (5) of subsection~~
7 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
8 ~~Illinois.~~

9 (f) The Department may refuse to issue or may suspend
10 without hearing, as provided for in the Code of Civil
11 Procedure, the license of any person who fails 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 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied in accordance
17 with subsection (g) of Section 2105-15 of the Civil
18 Administrative Code of Illinois.

19 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

20 Section 135. The Collection Agency Act is amended by
21 changing Section 9 as follows:

22 (225 ILCS 425/9) (from Ch. 111, par. 2012)

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

24 Sec. 9. Disciplinary actions.

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 fines not to exceed \$10,000 per
5 violation, for any one or any combination of the following
6 causes:

7 (1) Material misstatement in furnishing information to
8 the Department.

9 (2) Violations of this Act or of the rules promulgated
10 hereunder.

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 of the
16 collection agency or any of the officers or owners of more
17 than 10% interest of the agency of any crime under the laws
18 of any U.S. jurisdiction that (i) is a felony, (ii) is a
19 misdemeanor, an essential element of which is dishonesty,
20 or (iii) is directly related to the practice of a
21 collection agency.

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

25 (5) Aiding or assisting another person in violating any
26 provision of this Act or rules adopted under this Act.

1 (6) Failing, within 60 days, to provide information in
2 response to a written request made by the Department.

3 (7) Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants or any other chemical agent or drug
5 which results in the inability to practice with reasonable
6 judgment, skill, or safety by any of the officers or owners
7 of 10% or more interest of a collection agency.

8 (8) Discipline by another state, the District of
9 Columbia, a territory of the United States, or a foreign
10 nation, if at least one of the grounds for the discipline
11 is the same or substantially equivalent to those set forth
12 in this Act.

13 (9) A finding by the Department that the licensee,
14 after having his license placed on probationary status, has
15 violated the terms of probation.

16 (10) 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 (11) Practicing or attempting to practice under a false
20 or, except as provided by law, an assumed name.

21 (12) A finding by the Federal Trade Commission that a
22 licensee violated the federal Fair Debt Collection
23 Practices Act or its rules.

24 (13) Failure to file a return, or to pay the tax,
25 penalty or interest shown in a filed return, or to pay any
26 final assessment of tax, penalty or interest, as required

1 by any tax Act administered by the Illinois Department of
2 Revenue until such time as the requirements of any such tax
3 Act are satisfied.

4 (14) Using or threatening to use force or violence to
5 cause physical harm to a debtor, his or her family or his
6 or her property.

7 (15) Threatening to instigate an arrest or criminal
8 prosecution where no basis for a criminal complaint
9 lawfully exists.

10 (16) Threatening the seizure, attachment or sale of a
11 debtor's property where such action can only be taken
12 pursuant to court order without disclosing that prior court
13 proceedings are required.

14 (17) Disclosing or threatening to disclose information
15 adversely affecting a debtor's reputation for credit
16 worthiness with knowledge the information is false.

17 (18) Initiating or threatening to initiate
18 communication with a debtor's employer unless there has
19 been a default of the payment of the obligation for at
20 least 30 days and at least 5 days prior written notice, to
21 the last known address of the debtor, of the intention to
22 communicate with the employer has been given to the
23 employee, except as expressly permitted by law or court
24 order.

25 (19) Communicating with the debtor or any member of
26 the debtor's family at such a time of day or night and with

1 such frequency as to constitute harassment of the debtor or
2 any member of the debtor's family. For purposes of this
3 Section the following conduct shall constitute harassment:

4 (A) Communicating with the debtor or any member of
5 his or her family in connection with the collection of
6 any debt without the prior consent of the debtor given
7 directly to the debt collector, or the express
8 permission of a court of competent jurisdiction, at any
9 unusual time or place or a time or place known or which
10 should be known to be inconvenient to the debtor. In
11 the absence of knowledge of circumstances to the
12 contrary, a debt collector shall assume that the
13 convenient time for communicating with a consumer is
14 after 8 o'clock a.m. and before 9 o'clock p.m. local
15 time at the debtor's location.

16 (B) The threat of publication or publication of a
17 list of consumers who allegedly refuse to pay debts,
18 except to a consumer reporting agency.

19 (C) The threat of advertisement or advertisement
20 for sale of any debt to coerce payment of the debt.

21 (D) Causing a telephone to ring or engaging any
22 person in telephone conversation repeatedly or
23 continuously with intent to annoy, abuse, or harass any
24 person at the called number.

25 (20) Using profane, obscene or abusive language in
26 communicating with a debtor, his or her family or others.

1 (21) Disclosing or threatening to disclose information
2 relating to a debtor's debt to any other person except
3 where such other person has a legitimate business need for
4 the information or except where such disclosure is
5 permitted by law.

6 (22) Disclosing or threatening to disclose information
7 concerning the existence of a debt which the collection
8 agency knows to be disputed by the debtor without
9 disclosing the fact that the debtor disputes the debt.

10 (23) Engaging in any conduct that is intended to cause
11 and did cause mental or physical illness to the debtor or
12 his or her family.

13 (24) Attempting or threatening to enforce a right or
14 remedy with knowledge or reason to know that the right or
15 remedy does not exist.

16 (25) Failing to disclose to the debtor or his or her
17 family the corporate, partnership or proprietary name, or
18 other trade or business name, under which the collection
19 agency is engaging in debt collections and which he or she
20 is legally authorized to use.

21 (26) Using any form of communication which simulates
22 legal or judicial process or which gives the appearance of
23 being authorized, issued or approved by a governmental
24 agency or official or by an attorney at law when it is not.

25 (27) Using any badge, uniform, or other indicia of any
26 governmental agency or official except as authorized by

1 law.

2 (28) Conducting business under any name or in any
3 manner which suggests or implies that the collection agency
4 is a branch of or is affiliated in any way with a
5 governmental agency or court if such collection agency is
6 not.

7 (29) Failing to disclose, at the time of making any
8 demand for payment, the name of the person to whom the debt
9 is owed and at the request of the debtor, the address where
10 payment is to be made and the address of the person to whom
11 the debt is owed.

12 (30) Misrepresenting the amount of the debt alleged to
13 be owed.

14 (31) Representing that an existing debt may be
15 increased by the addition of attorney's fees,
16 investigation fees or any other fees or charges when such
17 fees or charges may not legally be added to the existing
18 debt.

19 (32) Representing that the collection agency is an
20 attorney at law or an agent for an attorney if he or she is
21 not.

22 (33) Collecting or attempting to collect any interest
23 or other charge or fee in excess of the actual debt unless
24 such interest or other charge or fee is expressly
25 authorized by the agreement creating the debt unless
26 expressly authorized by law or unless in a commercial

1 transaction such interest or other charge or fee is
2 expressly authorized in a subsequent agreement. If a
3 contingency or hourly fee arrangement (i) is established
4 under an agreement between a collection agency and a
5 creditor to collect a debt and (ii) is paid by a debtor
6 pursuant to a contract between the debtor and the creditor,
7 then that fee arrangement does not violate this Section
8 unless the fee is unreasonable. The Department shall
9 determine what constitutes a reasonable collection fee.

10 (34) Communicating or threatening to communicate with
11 a debtor when the collection agency is informed in writing
12 by an attorney that the attorney represents the debtor
13 concerning the debt. If the attorney fails to respond
14 within a reasonable period of time, the collector may
15 communicate with the debtor. The collector may communicate
16 with the debtor when the attorney gives his or her consent.

17 (35) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public.

20 (b) ~~The Department shall deny any license or renewal~~
21 ~~authorized by this Act to any person who has defaulted on an~~
22 ~~educational loan guaranteed by the Illinois State Scholarship~~
23 ~~Commission; however, the Department may issue a license or~~
24 ~~renewal if the person in default has established a satisfactory~~
25 ~~repayment record as determined by the Illinois State~~
26 ~~Scholarship Commission.~~ No collection agency while collecting

1 or attempting to collect a debt shall engage in any of the Acts
2 specified in this Section, each of which shall be unlawful
3 practice.

4 (Source: P.A. 99-227, eff. 8-3-15.)

5 Section 140. The Community Association Manager Licensing
6 and Disciplinary Act is amended by changing Section 85 as
7 follows:

8 (225 ILCS 427/85)

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

10 Sec. 85. Grounds for discipline; refusal, revocation, or
11 suspension.

12 (a) The Department may refuse to issue or renew a license,
13 or may place on probation, reprimand, suspend, or revoke any
14 license, or take any other disciplinary or non-disciplinary
15 action as the Department may deem proper and impose a fine not
16 to exceed \$10,000 for each violation upon any licensee or
17 applicant under this Act or any person or entity who holds
18 himself, herself, or itself out as an applicant or licensee for
19 any one or combination of the following causes:

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

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

23 (3) Conviction of or entry of a plea of guilty or plea
24 of nolo contendere to a felony or a misdemeanor under the

1 laws of the United States, any state, or any other
2 jurisdiction or entry of an administrative sanction by a
3 government agency in this State or any other jurisdiction.
4 Action taken under this paragraph (3) for a misdemeanor or
5 an administrative sanction is limited to a misdemeanor or
6 administrative sanction that has as an essential element
7 dishonesty or fraud, that involves larceny, embezzlement,
8 or obtaining money, property, or credit by false pretenses
9 or by means of a confidence game, or that is directly
10 related to the practice of the profession.

11 (4) Making any misrepresentation for the purpose of
12 obtaining a license or violating any provision of this Act
13 or its rules.

14 (5) Professional incompetence.

15 (6) Gross negligence.

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

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

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

25 (10) Habitual or excessive use or addiction to alcohol,
26 narcotics, stimulants, or any other chemical agent or drug

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

3 (11) Having been disciplined by another state, the
4 District of Columbia, a territory, a foreign nation, or a
5 governmental agency authorized to impose discipline if at
6 least one of the grounds for the discipline is the same or
7 substantially equivalent of one of the grounds for which a
8 licensee may be disciplined under this Act. A certified
9 copy of the record of the action by the other state or
10 jurisdiction shall be prima facie evidence thereof.

11 (12) Directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership or association
13 any fee, commission, rebate, or other form of compensation
14 for any professional services not actually or personally
15 rendered.

16 (13) A finding by the Department that the licensee,
17 after having his, her, or its license placed on
18 probationary status, has violated the terms of probation.

19 (14) Willfully making or filing false records or
20 reports relating to a licensee's practice, including but
21 not limited to false records filed with any State or
22 federal agencies or departments.

23 (15) Being named as a perpetrator in an indicated
24 report by the Department of Children and Family Services
25 under the Abused and Neglected Child Reporting Act and upon
26 proof by clear and convincing evidence that the licensee

1 has caused a child to be an abused child or neglected child
2 as defined in the Abused and Neglected Child Reporting Act.

3 (16) Physical illness or mental illness or impairment,
4 including, but not limited to, deterioration through the
5 aging process or loss of motor skill that results in the
6 inability to practice the profession with reasonable
7 judgment, skill, or safety.

8 (17) Solicitation of professional services by using
9 false or misleading advertising.

10 (18) A finding that licensure has been applied for or
11 obtained by fraudulent means.

12 (19) Practicing or attempting to practice under a name
13 other than the full name as shown on the license or any
14 other legally authorized name.

15 (20) Gross overcharging for professional services
16 including, but not limited to, (i) collection of fees or
17 moneys for services that are not rendered; and (ii)
18 charging for services that are not in accordance with the
19 contract between the licensee and the community
20 association.

21 (21) Improper commingling of personal and client funds
22 in violation of this Act or any rules promulgated thereto.

23 (22) Failing to account for or remit any moneys or
24 documents coming into the licensee's possession that
25 belong to another person or entity.

26 (23) Giving differential treatment to a person that is

1 to that person's detriment because of race, color, creed,
2 sex, religion, or national origin.

3 (24) Performing and charging for services without
4 reasonable authorization to do so from the person or entity
5 for whom service is being provided.

6 (25) Failing to make available to the Department, upon
7 request, any books, records, or forms required by this Act.

8 (26) Purporting to be a supervising community
9 association manager of a firm without active participation
10 in the firm.

11 (27) Failing to make available to the Department at the
12 time of the request any indicia of licensure or
13 registration issued under this Act.

14 (28) Failing to maintain and deposit funds belonging to
15 a community association in accordance with subsection (b)
16 of Section 55 of this Act.

17 (29) Violating the terms of a disciplinary order issued
18 by the Department.

19 (b) (Blank). ~~In accordance with subdivision (a)(5) of~~
20 ~~Section 2105-15 of the Department of Professional Regulation~~
21 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
22 ~~2105/2105-15), 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.~~

1 (c) The determination by a circuit court that a licensee is
2 subject to involuntary admission or judicial admission, as
3 provided in the Mental Health and Developmental Disabilities
4 Code, operates as an automatic suspension. The suspension will
5 terminate only upon a finding by a court that the patient is no
6 longer subject to involuntary admission or judicial admission
7 and the issuance of an order so finding and discharging the
8 patient, and upon the recommendation of the Board to the
9 Secretary that the licensee be allowed to resume his or her
10 practice as a licensed community association manager.

11 (d) In accordance with subsection (g) of Section 2105-15 of
12 the Department of Professional Regulation Law of the Civil
13 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
14 Department may refuse to issue or renew or may suspend the
15 license of any person who fails to file a return, to pay the
16 tax, penalty, or interest shown in a filed return, or to pay
17 any final assessment of tax, penalty, or interest, as required
18 by any tax Act administered by the Department of Revenue, until
19 such time as the requirements of that tax Act are satisfied.

20 (e) In accordance with subdivision (a)(5) of Section
21 2105-15 of the Department of Professional Regulation Law of the
22 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
23 and in cases where the Department of Healthcare and Family
24 Services (formerly Department of Public Aid) has previously
25 determined that a licensee or a potential licensee is more than
26 30 days delinquent in the payment of child support and has

1 subsequently certified the delinquency to the Department may
2 refuse to issue or renew or may revoke or suspend that person's
3 license or may take other disciplinary action against that
4 person based solely upon the certification of delinquency made
5 by the Department of Healthcare and Family Services.

6 (f) In enforcing this Section, the Department or Board upon
7 a showing of a possible violation may compel a licensee or an
8 individual licensed to practice under this Act, or who has
9 applied for licensure under this Act, to submit to a mental or
10 physical examination, or both, as required by and at the
11 expense of the Department. The Department or Board may order
12 the examining physician to present testimony concerning the
13 mental or physical examination of the licensee or applicant. No
14 information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The individual to be examined may have, at
19 his or her own expense, another physician of his or her choice
20 present during all aspects of this examination. Failure of an
21 individual to submit to a mental or physical examination, when
22 directed, shall be grounds for suspension of his or her license
23 or denial of his or her application or renewal until the
24 individual submits to the examination if the Department finds,
25 after notice and hearing, that the refusal to submit to the
26 examination was without reasonable cause.

1 If the Department or Board finds an individual unable to
2 practice because of the reasons set forth in this Section, the
3 Department or Board may require that individual to submit to
4 care, counseling, or treatment by physicians approved or
5 designated by the Department or Board, as a condition, term, or
6 restriction for continued, reinstated, or renewed licensure to
7 practice; or, in lieu of care, counseling, or treatment, the
8 Department may file, or the Board may recommend to the
9 Department to file, a complaint to immediately suspend, revoke,
10 deny, or otherwise discipline the license of the individual. An
11 individual whose license was granted, continued, reinstated,
12 renewed, disciplined or supervised subject to such terms,
13 conditions, or restrictions, and who fails to comply with such
14 terms, conditions, or restrictions, shall be referred to the
15 Secretary for a determination as to whether the individual
16 shall have his or her license suspended immediately, pending a
17 hearing by the Department.

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 30 days after
21 the suspension and completed without appreciable delay. The
22 Department and Board shall have the authority to review the
23 subject individual's record of treatment and counseling
24 regarding the impairment to the extent permitted by applicable
25 federal statutes and regulations safeguarding the
26 confidentiality of 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 or Board that he or she can resume practice in
4 compliance with acceptable and prevailing standards under the
5 provisions of his or her license.

6 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
7 98-756, eff. 7-16-14.)

8 Section 145. The Detection of Deception Examiners Act is
9 amended by changing Section 14 as follows:

10 (225 ILCS 430/14) (from Ch. 111, par. 2415)

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

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

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

20 (2) Violations of this Act, or of the rules adopted
21 under this Act.

22 (3) Conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or by
24 sentencing of any crime, 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: (i) that
4 is a felony or (ii) that is a misdemeanor, an essential
5 element of which is dishonesty, or that is directly related
6 to the practice of the profession.

7 (4) Making any misrepresentation for the purpose of
8 obtaining licensure or violating any provision of this Act
9 or the rules adopted under this Act pertaining to
10 advertising.

11 (5) Professional incompetence.

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

14 (7) Aiding or assisting another person in violating
15 this Act or any rule adopted under this Act.

16 (8) Where the license holder has been adjudged mentally
17 ill, mentally deficient or subject to involuntary
18 admission as provided in the Mental Health and
19 Developmental Disabilities Code.

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

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

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

1 or addiction to alcohol, narcotics, stimulants, or any
2 other chemical agent or drug.

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

7 (13) A finding by the Department that the licensee,
8 after having his or her license placed on probationary
9 status, has violated the terms of probation.

10 (14) Willfully making or filing false records or
11 reports in his or her practice, including, but not limited
12 to, false records filed with State agencies or departments.

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

18 (16) Charging for professional services not rendered,
19 including filing false statements for the collection of
20 fees for which services are not rendered.

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

23 (18) Fraud or misrepresentation in applying for, or
24 procuring, a license under this Act or in connection with
25 applying for renewal of a license under this Act.

26 (19) Cheating on or attempting to subvert the licensing

1 examination administered under this Act.

2 All fines imposed under this Section shall be paid within
3 60 days after the effective date of the order imposing the
4 fine.

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

15 (c) (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 item (5) of subsection~~
20 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
21 ~~Illinois.~~

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

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

7 (e) 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 end 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.

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

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

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

1 In instances in which the Secretary immediately suspends a
2 person's license under this Section, a hearing on that person's
3 license must be convened by the 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 individual'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 An individual licensed under this Act and affected under
11 this Section shall be afforded an opportunity to demonstrate to
12 the 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. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;
16 98-756, eff. 7-16-14.)

17 Section 150. The Home Inspector License Act is amended by
18 changing Section 15-10 as follows:

19 (225 ILCS 441/15-10)

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

21 Sec. 15-10. Grounds for disciplinary action.

22 (a) The Department may refuse to issue or renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action as the Department may

1 deem appropriate, including imposing fines not to exceed
2 \$25,000 for each violation, with regard to any license for any
3 one or combination of the following:

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

7 (2) Failing to meet the minimum qualifications for
8 licensure as a home inspector established by this Act.

9 (3) Paying money, other than for the fees provided for
10 by this Act, or anything of value to an employee of the
11 Department to procure licensure under this Act.

12 (4) 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: (i) that
18 is a felony; (ii) that is a misdemeanor, an essential
19 element of which is dishonesty, or that is directly related
20 to the practice of the profession; or (iii) that is a crime
21 that subjects the licensee to compliance with the
22 requirements of the Sex Offender Registration Act.

23 (5) Committing an act or omission involving
24 dishonesty, fraud, or misrepresentation with the intent to
25 substantially benefit the licensee or another person or
26 with the intent to substantially injure another person.

1 (6) Violating a provision or standard for the
2 development or communication of home inspections as
3 provided in Section 10-5 of this Act or as defined in the
4 rules.

5 (7) Failing or refusing to exercise reasonable
6 diligence in the development, reporting, or communication
7 of a home inspection report, as defined by this Act or the
8 rules.

9 (8) Violating a provision of this Act or the rules.

10 (9) Having been disciplined by another state, the
11 District of Columbia, a territory, a foreign nation, a
12 governmental agency, or any other entity authorized to
13 impose discipline if at least one of the grounds for that
14 discipline is the same as or substantially equivalent to
15 one of the grounds for which a licensee may be disciplined
16 under this Act.

17 (10) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public.

20 (11) Accepting an inspection assignment when the
21 employment itself is contingent upon the home inspector
22 reporting a predetermined analysis or opinion, or when the
23 fee to be paid is contingent upon the analysis, opinion, or
24 conclusion reached or upon the consequences resulting from
25 the home inspection assignment.

26 (12) Developing home inspection opinions or

1 conclusions based on the race, color, religion, sex,
2 national origin, ancestry, age, marital status, family
3 status, physical or mental disability, or unfavorable
4 military discharge, as defined under the Illinois Human
5 Rights Act, of the prospective or present owners or
6 occupants of the area or property under home inspection.

7 (13) Being adjudicated liable in a civil proceeding on
8 grounds of fraud, misrepresentation, or deceit. In a
9 disciplinary proceeding based upon a finding of civil
10 liability, the home inspector shall be afforded an
11 opportunity to present mitigating and extenuating
12 circumstances, but may not collaterally attack the civil
13 adjudication.

14 (14) Being adjudicated liable in a civil proceeding for
15 violation of a State or federal fair housing law.

16 (15) Engaging in misleading or untruthful advertising
17 or using a trade name or insignia of membership in a home
18 inspection organization of which the licensee is not a
19 member.

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

22 (17) Failing to include within the home inspection
23 report the home inspector's license number and the date of
24 expiration of the license. All home inspectors providing
25 significant contribution to the development and reporting
26 of a home inspection must be disclosed in the home

1 inspection report. It is a violation of this Act for a home
2 inspector to sign a home inspection report knowing that a
3 person providing a significant contribution to the report
4 has not been disclosed in the home inspection report.

5 (18) Advising a client as to whether the client should
6 or should not engage in a transaction regarding the
7 residential real property that is the subject of the home
8 inspection.

9 (19) Performing a home inspection in a manner that
10 damages or alters the residential real property that is the
11 subject of the home inspection without the consent of the
12 owner.

13 (20) Performing a home inspection when the home
14 inspector is providing or may also provide other services
15 in connection with the residential real property or
16 transaction, or has an interest in the residential real
17 property, without providing prior written notice of the
18 potential or actual conflict and obtaining the prior
19 consent of the client as provided by rule.

20 (21) Aiding or assisting another person in violating
21 any provision of this Act or rules adopted under this Act.

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

26 (23) A finding by the Department that the licensee,

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

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

6 (25) Charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered.

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

11 (27) Cheating on or attempting to subvert the licensing
12 examination administered under this Act.

13 (b) The Department may suspend, revoke, or refuse to issue
14 or renew an education provider's license, may reprimand, place
15 on probation, or otherwise discipline an education provider
16 licensee, and may suspend or revoke the course approval of any
17 course offered by an education provider, for any of the
18 following:

19 (1) Procuring or attempting to procure licensure by
20 knowingly making a false statement, submitting false
21 information, making any form of fraud or
22 misrepresentation, or refusing to provide complete
23 information in response to a question in an application for
24 licensure.

25 (2) Failing to comply with the covenants certified to
26 on the application for licensure as an education provider.

1 (3) Committing an act or omission involving
2 dishonesty, fraud, or misrepresentation or allowing any
3 such act or omission by any employee or contractor under
4 the control of the education provider.

5 (4) Engaging in misleading or untruthful advertising.

6 (5) Failing to retain competent instructors in
7 accordance with rules adopted under this Act.

8 (6) Failing to meet the topic or time requirements for
9 course approval as the provider of a pre-license curriculum
10 course or a continuing education course.

11 (7) Failing to administer an approved course using the
12 course materials, syllabus, and examinations submitted as
13 the basis of the course approval.

14 (8) Failing to provide an appropriate classroom
15 environment for presentation of courses, with
16 consideration for student comfort, acoustics, lighting,
17 seating, workspace, and visual aid material.

18 (9) Failing to maintain student records in compliance
19 with the rules adopted under this Act.

20 (10) Failing to provide a certificate, transcript, or
21 other student record to the Department or to a student as
22 may be required by rule.

23 (11) Failing to fully cooperate with a Department
24 investigation by knowingly making a false statement,
25 submitting false or misleading information, or refusing to
26 provide complete information in response to written

1 interrogatories or a written request for documentation
2 within 30 days of the request.

3 (c) In appropriate cases, the Department may resolve a
4 complaint against a licensee through the issuance of a Consent
5 to Administrative Supervision order. A licensee subject to a
6 Consent to Administrative Supervision order shall be
7 considered by the Department as an active licensee in good
8 standing. This order shall not be reported as or considered by
9 the Department to be a discipline of the licensee. The records
10 regarding an investigation and a Consent to Administrative
11 Supervision order shall be considered confidential and shall
12 not be released by the Department except as mandated by law.
13 The complainant shall be notified that his or her complaint has
14 been resolved by a Consent to Administrative Supervision order.

15 (d) 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 tax
18 return, to pay the tax, penalty, or interest shown in a filed
19 tax 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 the tax Act are satisfied in accordance with
23 subsection (g) of Section 2105-15 of the Civil Administrative
24 Code of Illinois.

25 (e) (Blank). ~~The Department shall deny a license or renewal~~
26 ~~authorized by this Act to a person who has defaulted on an~~

1 ~~educational loan or scholarship provided or guaranteed by the~~
2 ~~Illinois Student Assistance Commission or any governmental~~
3 ~~agency of this State in accordance with item (5) of subsection~~
4 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
5 ~~Illinois.~~

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

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

25 (h) In enforcing this Act, the Department, upon a showing
26 of a possible violation, may compel an individual licensed to

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

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

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

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 15 days after
14 the suspension and completed without appreciable delay. The
15 Department shall have the authority to review the subject
16 individual'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 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department that he or she can resume practice in compliance
23 with acceptable and prevailing standards under the provisions
24 of his or her license.

25 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
26 98-756, eff. 7-16-14.)

1 (225 ILCS 447/40-35 rep.)

2 Section 155. The Private Detective, Private Alarm, Private
3 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
4 amended by repealing Section 40-35.

5 Section 160. The Illinois Public Accounting Act is amended
6 by changing Section 20.01 as follows:

7 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

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

9 Sec. 20.01. Grounds for discipline; license or
10 registration.

11 (a) The Department may refuse to issue or renew, or may
12 revoke, suspend, or reprimand any registration or registrant,
13 any license or licensee, place a licensee or registrant on
14 probation for a period of time subject to any conditions the
15 Department may specify including requiring the licensee or
16 registrant to attend continuing education courses or to work
17 under the supervision of another licensee or registrant, impose
18 a fine not to exceed \$10,000 for each violation, restrict the
19 authorized scope of practice, require a licensee or registrant
20 to undergo a peer review program, assess costs as provided for
21 under Section 20.4, or take other disciplinary or
22 non-disciplinary action for any one or more of the following:

23 (1) Violation of any provision of this Act or rule

1 adopted by the Department under this Act or violation of
2 professional standards.

3 (2) Dishonesty, fraud, or deceit in obtaining,
4 reinstating, or restoring a license or registration.

5 (3) Cancellation, revocation, suspension, denial of
6 licensure or registration, or refusal to renew a license or
7 privileges under Section 5.2 for disciplinary reasons in
8 any other U.S. jurisdiction, unit of government, or
9 government agency for any cause.

10 (4) Failure, on the part of a licensee under Section 13
11 or registrant under Section 16, to maintain compliance with
12 the requirements for issuance or renewal of a license or
13 registration or to report changes to the Department.

14 (5) Revocation or suspension of the right to practice
15 by or before any state or federal regulatory authority or
16 by the Public Company Accounting Oversight Board.

17 (6) Dishonesty, fraud, deceit, or gross negligence in
18 the performance of services as a licensee or registrant or
19 individual granted privileges under Section 5.2.

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

1 dishonesty, or that is directly related to the practice of
2 public accounting.

3 (8) Performance of any fraudulent act while holding a
4 license or privilege issued under this Act or prior law.

5 (9) Practicing on a revoked, suspended, or inactive
6 license or registration.

7 (10) Making or filing a report or record that the
8 registrant or licensee knows to be false, willfully failing
9 to file a report or record required by State or federal
10 law, willfully impeding or obstructing the filing or
11 inducing another person to impede or obstruct only those
12 that are signed in the capacity of a licensed CPA or a
13 registered CPA.

14 (11) Aiding or assisting another person in violating
15 any provision of this Act or rules promulgated hereunder.

16 (12) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public.

19 (13) Habitual or excessive use or abuse of drugs,
20 alcohol, narcotics, stimulants, or any other substance
21 that results in the inability to practice with reasonable
22 skill, judgment, or safety.

23 (14) 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 service not actually rendered.

1 (15) Physical illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill that results in the licensee or registrant's
4 inability to practice under this Act with reasonable
5 judgment, skill, or safety.

6 (16) Solicitation of professional services by using
7 false or misleading advertising.

8 (17) Any conduct reflecting adversely upon the
9 licensee's fitness to perform services while a licensee or
10 individual granted privileges under Section 5.2.

11 (18) Practicing or attempting to practice under a name
12 other than the full name as shown on the license or
13 registration or any other legally authorized name.

14 (19) A finding by the Department that a licensee or
15 registrant has not complied with a provision of any lawful
16 order issued by the Department.

17 (20) Making a false statement to the Department
18 regarding compliance with continuing professional
19 education or peer review requirements.

20 (21) Failing to make a substantive response to a
21 request for information by the Department within 30 days of
22 the request.

23 (b) (Blank).

24 (b-5) All fines or costs imposed under this Section shall
25 be paid within 60 days after the effective date of the order
26 imposing the fine or costs or in accordance with the terms set

1 forth in the order imposing the fine or cost.

2 (c) 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 or non-disciplinary action against that person
9 based solely upon the certification of delinquency made by the
10 Department of Healthcare and Family Services in accordance with
11 item (5) of subsection (a) of Section 2105-15 of the Department
12 of Professional Regulation Law of the Civil Administrative Code
13 of Illinois.

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

25 (e) (Blank). ~~The Department shall deny any application for~~
26 ~~a license, registration, or renewal, without hearing, to any~~

1 ~~person who has defaulted on an educational loan guaranteed by~~
2 ~~the Illinois Student Assistance Commission; however, the~~
3 ~~Department may issue a license, registration, or renewal if the~~
4 ~~person in default has established a satisfactory repayment~~
5 ~~record as determined by the Illinois Student Assistance~~
6 ~~Commission.~~

7 (f) The determination by a court that a licensee or
8 registrant is subject to involuntary admission or judicial
9 admission as provided in the Mental Health and Developmental
10 Disabilities Code will result in the automatic suspension of
11 his or her license or registration. The licensee or registrant
12 shall be responsible for notifying the Department of the
13 determination by the court that the licensee or registrant is
14 subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code. The suspension shall end only upon a finding by a court
17 that the patient is no longer subject to involuntary admission
18 or judicial admission, the issuance of an order so finding and
19 discharging the patient, and the filing of a petition for
20 restoration demonstrating fitness to practice.

21 (g) In enforcing this Section, the Department, upon a
22 showing of a possible violation, may compel, any licensee or
23 registrant or any individual who has applied for licensure
24 under this Act, to submit to a mental or physical examination
25 and evaluation, or both, which may include a substance abuse or
26 sexual offender evaluation, at the expense of the Department.

1 The Department shall specifically designate the examining
2 physician licensed to practice medicine in all of its branches
3 or, if applicable, the multidisciplinary team involved in
4 providing the mental or physical examination and evaluation, or
5 both. The multidisciplinary team shall be led by a physician
6 licensed to practice medicine in all of its branches and may
7 consist of one or more or a combination of physicians licensed
8 to practice medicine in all of its branches, licensed
9 chiropractic physicians, licensed clinical psychologists,
10 licensed clinical social workers, licensed clinical
11 professional counselors, and other professional and
12 administrative staff. Any examining physician or member of the
13 multidisciplinary team may require any person ordered to submit
14 to an examination and evaluation under this Section to submit
15 to any additional supplemental testing deemed necessary to
16 complete any examination or evaluation process, including, but
17 not limited to, blood testing, urinalysis, psychological
18 testing, or neuropsychological testing. The Department may
19 order the examining physician or any member of the
20 multidisciplinary team to provide to the Department any and all
21 records, including business records, that relate to the
22 examination and evaluation, including any supplemental testing
23 performed. The Department may order the examining physician or
24 any member of the multidisciplinary team to present testimony
25 concerning this examination and evaluation of the licensee,
26 registrant, or applicant, including testimony concerning any

1 supplemental testing or documents relating to the examination
2 and evaluation. No information, report, record, or other
3 documents in any way related to the examination and evaluation
4 shall be excluded by reason of any common law or statutory
5 privilege relating to communication between the licensee,
6 registrant, or applicant and the examining physician or any
7 member of the multidisciplinary team. No authorization is
8 necessary from the individual ordered to undergo an evaluation
9 and examination for the examining physician or any member of
10 the multidisciplinary team to provide information, reports,
11 records, or other documents or to provide any testimony
12 regarding the examination and evaluation.

13 The individual to be examined may have, at his or her own
14 expense, another physician of his or her choice present during
15 all aspects of the examination. Failure of any individual to
16 submit to mental or physical examination and evaluation, or
17 both, when directed, shall result in an automatic suspension,
18 without hearing, until such time as the individual submits to
19 the examination. If the Department finds a licensee,
20 registrant, or applicant unable to practice because of the
21 reasons set forth in this Section, the Department shall require
22 such licensee, registrant, or applicant to submit to care,
23 counseling, or treatment by physicians approved or designated
24 by the Department, as a condition for continued, reinstated, or
25 renewed licensure to practice.

26 When the Secretary immediately suspends a license or

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

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

14 (Source: P.A. 98-254, eff. 8-9-13.)

15 Section 165. The Real Estate License Act of 2000 is amended
16 by changing Section 20-20 as follows:

17 (225 ILCS 454/20-20)

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

19 Sec. 20-20. Grounds for discipline.

20 (a) The Department may refuse to issue or renew a license,
21 may place on probation, suspend, or revoke any license,
22 reprimand, or take any other disciplinary or non-disciplinary
23 action as the Department may deem proper and impose a fine not
24 to exceed \$25,000 upon any licensee or applicant under this Act

1 or any person who holds himself or herself out as an applicant
2 or licensee or against a licensee in handling his or her own
3 property, whether held by deed, option, or otherwise, for any
4 one or any combination of the following causes:

5 (1) Fraud or misrepresentation in applying for, or
6 procuring, a license under this Act or in connection with
7 applying for renewal of a license under this Act.

8 (2) The conviction of or plea of guilty or plea of nolo
9 contendere to a felony or misdemeanor in this State or any
10 other jurisdiction; or the entry of an administrative
11 sanction by a government agency in this State or any other
12 jurisdiction. Action taken under this paragraph (2) for a
13 misdemeanor or an administrative sanction is limited to a
14 misdemeanor or administrative sanction that has as an
15 essential element dishonesty or fraud or involves larceny,
16 embezzlement, or obtaining money, property, or credit by
17 false pretenses or by means of a confidence game.

18 (3) Inability to practice the profession with
19 reasonable judgment, skill, or safety as a result of a
20 physical illness, including, but not limited to,
21 deterioration through the aging process or loss of motor
22 skill, or a mental illness or disability.

23 (4) Practice under this Act as a licensee in a retail
24 sales establishment from an office, desk, or space that is
25 not separated from the main retail business by a separate
26 and distinct area within the establishment.

1 (5) Having been disciplined by another state, the
2 District of Columbia, a territory, a foreign nation, or a
3 governmental agency authorized to impose discipline if at
4 least one of the grounds for that discipline is the same as
5 or the equivalent of one of the grounds for which a
6 licensee may be disciplined under this Act. A certified
7 copy of the record of the action by the other state or
8 jurisdiction shall be prima facie evidence thereof.

9 (6) Engaging in the practice of real estate brokerage
10 without a license or after the licensee's license or
11 temporary permit was expired or while the license was
12 inoperative.

13 (7) Cheating on or attempting to subvert the Real
14 Estate License Exam or continuing education exam.

15 (8) Aiding or abetting an applicant to subvert or cheat
16 on the Real Estate License Exam or continuing education
17 exam administered pursuant to this Act.

18 (9) Advertising that is inaccurate, misleading, or
19 contrary to the provisions of the Act.

20 (10) Making any substantial misrepresentation or
21 untruthful advertising.

22 (11) Making any false promises of a character likely to
23 influence, persuade, or induce.

24 (12) Pursuing a continued and flagrant course of
25 misrepresentation or the making of false promises through
26 licensees, employees, agents, advertising, or otherwise.

1 (13) Any misleading or untruthful advertising, or
2 using any trade name or insignia of membership in any real
3 estate organization of which the licensee is not a member.

4 (14) Acting for more than one party in a transaction
5 without providing written notice to all parties for whom
6 the licensee acts.

7 (15) Representing or attempting to represent a broker
8 other than the sponsoring broker.

9 (16) Failure to account for or to remit any moneys or
10 documents coming into his or her possession that belong to
11 others.

12 (17) Failure to maintain and deposit in a special
13 account, separate and apart from personal and other
14 business accounts, all escrow moneys belonging to others
15 entrusted to a licensee while acting as a broker, escrow
16 agent, or temporary custodian of the funds of others or
17 failure to maintain all escrow moneys on deposit in the
18 account until the transactions are consummated or
19 terminated, except to the extent that the moneys, or any
20 part thereof, shall be:

21 (A) disbursed prior to the consummation or
22 termination (i) in accordance with the written
23 direction of the principals to the transaction or their
24 duly authorized agents, (ii) in accordance with
25 directions providing for the release, payment, or
26 distribution of escrow moneys contained in any written

1 contract signed by the principals to the transaction or
2 their duly authorized agents, or (iii) pursuant to an
3 order of a court of competent jurisdiction; or

4 (B) deemed abandoned and transferred to the Office
5 of the State Treasurer to be handled as unclaimed
6 property pursuant to the Revised Uniform Unclaimed
7 Property Act. Escrow moneys may be deemed abandoned
8 under this subparagraph (B) only: (i) in the absence of
9 disbursement under subparagraph (A); (ii) in the
10 absence of notice of the filing of any claim in a court
11 of competent jurisdiction; and (iii) if 6 months have
12 elapsed after the receipt of a written demand for the
13 escrow moneys from one of the principals to the
14 transaction or the principal's duly authorized agent.

15 The account shall be noninterest bearing, unless the
16 character of the deposit is such that payment of interest
17 thereon is otherwise required by law or unless the
18 principals to the transaction specifically require, in
19 writing, that the deposit be placed in an interest bearing
20 account.

21 (18) Failure to make available to the Department all
22 escrow records and related documents maintained in
23 connection with the practice of real estate within 24 hours
24 of a request for those documents by Department personnel.

25 (19) Failing to furnish copies upon request of
26 documents relating to a real estate transaction to a party

1 who has executed that document.

2 (20) Failure of a sponsoring broker to timely provide
3 information, sponsor cards, or termination of licenses to
4 the Department.

5 (21) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 (22) Commingling the money or property of others with
9 his or her own money or property.

10 (23) Employing any person on a purely temporary or
11 single deal basis as a means of evading the law regarding
12 payment of commission to nonlicensees on some contemplated
13 transactions.

14 (24) Permitting the use of his or her license as a
15 broker to enable a leasing agent or unlicensed person to
16 operate a real estate business without actual
17 participation therein and control thereof by the broker.

18 (25) Any other conduct, whether of the same or a
19 different character from that specified in this Section,
20 that constitutes dishonest dealing.

21 (26) Displaying a "for rent" or "for sale" sign on any
22 property without the written consent of an owner or his or
23 her duly authorized agent or advertising by any means that
24 any property is for sale or for rent without the written
25 consent of the owner or his or her authorized agent.

26 (27) Failing to provide information requested by the

1 Department, or otherwise respond to that request, within 30
2 days of the request.

3 (28) Advertising by means of a blind advertisement,
4 except as otherwise permitted in Section 10-30 of this Act.

5 (29) Offering guaranteed sales plans, as defined in
6 clause (A) of this subdivision (29), except to the extent
7 hereinafter set forth:

8 (A) A "guaranteed sales plan" is any real estate
9 purchase or sales plan whereby a licensee enters into a
10 conditional or unconditional written contract with a
11 seller, prior to entering into a brokerage agreement
12 with the seller, by the terms of which a licensee
13 agrees to purchase a property of the seller within a
14 specified period of time at a specific price in the
15 event the property is not sold in accordance with the
16 terms of a brokerage agreement to be entered into
17 between the sponsoring broker and the seller.

18 (B) A licensee offering a guaranteed sales plan
19 shall provide the details and conditions of the plan in
20 writing to the party to whom the plan is offered.

21 (C) A licensee offering a guaranteed sales plan
22 shall provide to the party to whom the plan is offered
23 evidence of sufficient financial resources to satisfy
24 the commitment to purchase undertaken by the broker in
25 the plan.

26 (D) Any licensee offering a guaranteed sales plan

1 shall undertake to market the property of the seller
2 subject to the plan in the same manner in which the
3 broker would market any other property, unless the
4 agreement with the seller provides otherwise.

5 (E) The licensee cannot purchase seller's property
6 until the brokerage agreement has ended according to
7 its terms or is otherwise terminated.

8 (F) Any licensee who fails to perform on a
9 guaranteed sales plan in strict accordance with its
10 terms shall be subject to all the penalties provided in
11 this Act for violations thereof and, in addition, shall
12 be subject to a civil fine payable to the party injured
13 by the default in an amount of up to \$25,000.

14 (30) Influencing or attempting to influence, by any
15 words or acts, a prospective seller, purchaser, occupant,
16 landlord, or tenant of real estate, in connection with
17 viewing, buying, or leasing real estate, so as to promote
18 or tend to promote the continuance or maintenance of
19 racially and religiously segregated housing or so as to
20 retard, obstruct, or discourage racially integrated
21 housing on or in any street, block, neighborhood, or
22 community.

23 (31) Engaging in any act that constitutes a violation
24 of any provision of Article 3 of the Illinois Human Rights
25 Act, whether or not a complaint has been filed with or
26 adjudicated by the Human Rights Commission.

1 (32) Inducing any party to a contract of sale or lease
2 or brokerage agreement to break the contract of sale or
3 lease or brokerage agreement for the purpose of
4 substituting, in lieu thereof, a new contract for sale or
5 lease or brokerage agreement with a third party.

6 (33) Negotiating a sale, exchange, or lease of real
7 estate directly with any person if the licensee knows that
8 the person has an exclusive brokerage agreement with
9 another broker, unless specifically authorized by that
10 broker.

11 (34) When a licensee is also an attorney, acting as the
12 attorney for either the buyer or the seller in the same
13 transaction in which the licensee is acting or has acted as
14 a managing broker or broker.

15 (35) Advertising or offering merchandise or services
16 as free if any conditions or obligations necessary for
17 receiving the merchandise or services are not disclosed in
18 the same advertisement or offer. These conditions or
19 obligations include without limitation the requirement
20 that the recipient attend a promotional activity or visit a
21 real estate site. As used in this subdivision (35), "free"
22 includes terms such as "award", "prize", "no charge", "free
23 of charge", "without charge", and similar words or phrases
24 that reasonably lead a person to believe that he or she may
25 receive or has been selected to receive something of value,
26 without any conditions or obligations on the part of the

1 recipient.

2 (36) (Blank).

3 (37) Violating the terms of a disciplinary order issued
4 by the Department.

5 (38) Paying or failing to disclose compensation in
6 violation of Article 10 of this Act.

7 (39) Requiring a party to a transaction who is not a
8 client of the licensee to allow the licensee to retain a
9 portion of the escrow moneys for payment of the licensee's
10 commission or expenses as a condition for release of the
11 escrow moneys to that party.

12 (40) Disregarding or violating any provision of this
13 Act or the published rules promulgated by the Department to
14 enforce this Act or aiding or abetting any individual,
15 partnership, registered limited liability partnership,
16 limited liability company, or corporation in disregarding
17 any provision of this Act or the published rules
18 promulgated by the Department to enforce this Act.

19 (41) Failing to provide the minimum services required
20 by Section 15-75 of this Act when acting under an exclusive
21 brokerage agreement.

22 (42) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 that results in a managing broker, broker, or leasing
25 agent's inability to practice with reasonable skill or
26 safety.

1 (43) Enabling, aiding, or abetting an auctioneer, as
2 defined in the Auction License Act, to conduct a real
3 estate auction in a manner that is in violation of this
4 Act.

5 (44) Permitting any leasing agent or temporary leasing
6 agent permit holder to engage in activities that require a
7 broker's or managing broker's license.

8 (b) The Department may refuse to issue or renew or may
9 suspend the license of any person who fails to file a return,
10 pay the tax, penalty or interest shown in a filed return, or
11 pay any final assessment of tax, penalty, or interest, as
12 required by any tax Act administered by the Department of
13 Revenue, until such time as the requirements of that 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 (formerly Department of Public Aid) has previously
25 determined that a licensee or a potential licensee is more than
26 30 days delinquent in the payment of child support and has

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

8 (e) In enforcing this Section, the Department or Board upon
9 a showing of a possible violation may compel an individual
10 licensed to practice under this Act, or who has applied for
11 licensure under this Act, to submit to a mental or physical
12 examination, or both, as required by and at the expense of the
13 Department. The Department or Board may order the examining
14 physician to present testimony concerning the mental or
15 physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 examining physicians shall be specifically designated by the
20 Board or Department. The individual to be examined may have, at
21 his or her own expense, another physician of his or her choice
22 present during all aspects of this examination. Failure of an
23 individual to submit to a mental or physical examination, when
24 directed, shall be grounds for suspension of his or her license
25 until the individual submits to the examination if the
26 Department finds, after notice and hearing, that the refusal to

1 submit to the examination was without reasonable cause.

2 If the Department or Board finds an individual unable to
3 practice because of the reasons set forth in this Section, the
4 Department or Board may require that individual to submit to
5 care, counseling, or treatment by physicians approved or
6 designated by the Department or Board, as a condition, term, or
7 restriction for continued, reinstated, or renewed licensure to
8 practice; or, in lieu of care, counseling, or treatment, the
9 Department may file, or the Board may recommend to the
10 Department to file, a complaint to immediately suspend, revoke,
11 or otherwise discipline the license of the individual. An
12 individual whose license was granted, continued, reinstated,
13 renewed, disciplined or supervised subject to such terms,
14 conditions, or restrictions, and who fails to comply with such
15 terms, conditions, or restrictions, shall be referred to the
16 Secretary for a determination as to whether the individual
17 shall have his or her license suspended immediately, pending a
18 hearing by the Department.

19 In instances in which the Secretary immediately suspends a
20 person's license under this Section, a hearing on that person's
21 license must be convened by the Department within 30 days after
22 the suspension and completed without appreciable delay. The
23 Department and Board shall have the authority to review the
24 subject individual's record of treatment and counseling
25 regarding the impairment to the extent permitted by applicable
26 federal statutes and regulations safeguarding the

1 confidentiality of medical records.

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

7 (Source: P.A. 99-227, eff. 8-3-15; 100-22, eff. 1-1-18;
8 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; revised 10-2-17.)

9 (225 ILCS 458/15-45 rep.)

10 Section 170. The Real Estate Appraiser Licensing Act of
11 2002 is amended by repealing Section 15-45.

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	20 ILCS 2105/2105-15	
4	20 ILCS 2105/2105-207	
5	225 ILCS 5/16	from Ch. 111, par. 7616
6	225 ILCS 30/95	from Ch. 111, par. 8401-95
7	225 ILCS 37/35	
8	225 ILCS 41/15-75	
9	225 ILCS 55/85	from Ch. 111, par. 8351-85
10	225 ILCS 57/45	
11	225 ILCS 63/110	
12	225 ILCS 75/19	from Ch. 111, par. 3719
13	225 ILCS 84/90	
14	225 ILCS 107/80	
15	225 ILCS 109/75	
16	225 ILCS 110/16	from Ch. 111, par. 7916
17	225 ILCS 115/25	from Ch. 111, par. 7025
18	225 ILCS 130/75	
19	225 ILCS 135/95	
20	225 ILCS 305/22	from Ch. 111, par. 1322
21	225 ILCS 310/13	from Ch. 111, par. 8213
22	225 ILCS 325/24	from Ch. 111, par. 5224
23	225 ILCS 330/27	from Ch. 111, par. 3277
24	225 ILCS 335/9.1	from Ch. 111, par. 7509.1
25	225 ILCS 340/20	from Ch. 111, par. 6620

1	225 ILCS 407/20-20	
2	225 ILCS 410/4-7	from Ch. 111, par. 1704-7
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4	225 ILCS 415/23	from Ch. 111, par. 6223
5	225 ILCS 425/9	from Ch. 111, par. 2012
6	225 ILCS 427/85	
7	225 ILCS 430/14	from Ch. 111, par. 2415
8	225 ILCS 441/15-10	
9	225 ILCS 447/40-35 rep.	
10	225 ILCS 450/20.01	from Ch. 111, par. 5521.01
11	225 ILCS 454/20-20	
12	225 ILCS 458/15-45 rep.	