



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB3126

Introduced 2/15/2018, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 80/4.39 new

Creates the Registered Neurodiagnostic Technologist Title Protection Act. Provides for registration of neurodiagnostic technologist by the Department of Financial and Professional Regulation. Prohibits a person from holding himself or herself out as a registered neurodiagnostic technologist without being registered by the Department. Establishes qualifications for registration as a neurodiagnostic technologist. Establishes the powers and duties of the Department, including prescribing fees for initial application and renewal of the registration, setting expiration and renewal period of the registration, defining the criteria for registration, investigating alleged violations of the Act, conducting hearings on disciplinary and other matters. Provides for grounds for disciplinary action. Provides for civil and criminal penalties for violations of this Act. Creates provisions concerning formal hearings, including record of proceedings, appointment of hearing officers, subpoenas and depositions, and rehearings. Provides for judicial review of all final administrative decisions of the Department. Preempts home rule. Effective January 1, 2019.

LRB100 18709 XWW 33942 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 1. Short title. This Act may be cited as the  
5 Registered Neurodiagnostic Technologist Title Protection Act.

6 Section 5. Legislative purpose. The purpose of this Act is  
7 to protect and benefit the public by setting standards of  
8 qualifications, education, training, and experience for those  
9 who seek to hold the title of registered neurodiagnostic  
10 technologist.

11 Section 10. Definitions. As used in this Act:

12 "Address of record" means the designated address recorded  
13 by the Department in the applicant's or registrant's  
14 application file or registration file maintained by the  
15 Department's licensure maintenance unit.

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

18 "Direct supervision" means supervision of individuals with  
19 a Certification for Neurophysiological Monitoring by a  
20 licensed physician who personally directs delegated acts and  
21 remains available to personally respond to an emergency until  
22 the patient is released from the operating room.

1 "Email address of record" means the designated email  
2 address recorded by the Department in the applicant's  
3 application file or the licensee's license file maintained by  
4 the Department's licensure maintenance unit.

5 "Physician" means a person licensed to practice medicine in  
6 all of its branches under the Medical Practice Act of 1987.

7 "Neurodiagnostic technologist" means a person who (i) is  
8 not licensed to practice medicine in all of its branches, (ii)  
9 is credentialed by ABRET Neurodiagnostic Credentialing and  
10 Accreditation for a Certification for Neurophysiological  
11 Monitoring, Certification for Long Term Monitoring,  
12 Certification for Autonomic Testing Professionals,  
13 Certification for Registered Electroencephalography  
14 Technologist, or Certification for Registered Evoked  
15 Potentials Technologist, (iii) performs duties under direct  
16 supervision when applicable, (iv) provides services in a  
17 licensed hospital, ambulatory treatment center, office of a  
18 physician licensed to practice medicine in all its branches, or  
19 remotely receive information from such settings to provide  
20 related services, and (v) is registered under this Act.

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

23 Section 12. Address of record; email address of record. All  
24 applicants and licensees shall:

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

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

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

8 Section 15. Title protection. No person shall hold himself  
9 or herself out as a registered neurodiagnostic technologist  
10 without being so registered by the Department. This is title  
11 protection and not licensure by the Department.

12 Section 20. Application of Act. This Act shall not be  
13 construed to prohibit the following:

14 (1) A person licensed in this State under any other Act  
15 from engaging in the practice for which he or she is  
16 licensed, including, but not limited to, a physician  
17 licensed to practice medicine in all its branches,  
18 physician assistant, advanced practice registered nurse,  
19 or nurse performing surgery-related tasks within the scope  
20 of his or her license, nor are these individuals required  
21 to be registered under this Act.

22 (2) A person from engaging in practice as a  
23 neurodiagnostic technologist in the discharge of his or her  
24 official duties as an employee of the United States

1 government.

2 (3) One or more registered neurodiagnostic  
3 technologists from forming a professional service  
4 corporation in accordance with the Professional Service  
5 Corporation Act and applying for licensure as a corporation  
6 providing neurodiagnostic technologist services.

7 (4) A student engaging in practice as a neurodiagnostic  
8 technologist under the supervision of a physician licensed  
9 to practice medicine in all of its branches or a  
10 neurodiagnostic technologist credentialed by ABRET  
11 Neurodiagnostic Credentialing and Accreditation in the  
12 area of practice being supervised as part of his or her  
13 program of study at a school approved by the Department or  
14 in preparation to qualify for the examination as prescribed  
15 under Section 35 of this Act.

16 (5) A person from assisting in surgery at a physician's  
17 discretion, including, but not limited to, medical  
18 students and residents, nor are medical students and  
19 residents required to be registered under this Act.

20 (6) A hospital, health system or network, ambulatory  
21 surgical treatment center, physician licensed to practice  
22 medicine in all its branches, physician medical group, or  
23 other entity that provides surgery-related services from  
24 employing individuals that the entity considers competent  
25 to assist in surgery. These entities are not required to  
26 utilize registered neurodiagnostic technologists when

1 providing neurodiagnostic-related services to patients.  
2 Nothing in this paragraph shall be construed to limit the  
3 ability of an employer to utilize the services of any  
4 person to assist within the employment setting consistent  
5 with the individual's skill and training.

6 Section 25. Application for registration. An application  
7 for an initial registration shall be made to the Department in  
8 writing on forms prescribed by the Department and shall be  
9 accompanied by the required nonrefundable fee. An application  
10 shall require information that, in the judgment of the  
11 Department, will enable the Department to evaluate the  
12 qualifications of an applicant for registration.

13 If an applicant fails to obtain a certificate of  
14 registration under this Act within 3 years after filing his or  
15 her application, the application shall be denied. The applicant  
16 may make a new application, which shall be accompanied by the  
17 required nonrefundable fee.

18 Section 30. Social Security Number on registration  
19 application. In addition to any other information required to  
20 be contained in the application, every application for an  
21 original certificate of registration under this Act shall  
22 include the applicant's Social Security Number, which shall be  
23 retained in the agency's records pertaining to the  
24 registration. As soon as practical, the Department shall assign

1 a customer's identification number to each applicant for a  
2 registration.

3 Every application for a renewed, reinstated, or restored  
4 registration shall require the applicant's customer  
5 identification number.

6 Section 35. Registration requirements; neurodiagnostic  
7 technologist. A person qualifies for registration as a  
8 neurodiagnostic technologist if he or she has applied in  
9 writing on the prescribed form, has paid the required fees, and  
10 meets all of the following requirements:

11 (1) is at least 18 years of age;

12 (2) has not violated a provision of Section 65 of this  
13 Act. In addition, the Department may take into  
14 consideration any felony conviction of the applicant, but a  
15 conviction shall not operate as an absolute bar to  
16 registration unless otherwise provided by law;

17 (3) has completed a neurodiagnostic technology program  
18 approved by the Department;

19 (4) has successfully completed a neurodiagnostic  
20 technologist national certification examination provided  
21 by ABRET Neurodiagnostic Credentialing and Accreditation  
22 or its successor agency; and

23 (5) is currently certified by ABRET Neurodiagnostic  
24 Credentialing and Accreditation or its successor agency  
25 and has met the requirements set forth by the Department

1           for certification.

2           Section 40. Expiration; restoration; renewal. The  
3 expiration date and renewal period for each certificate of  
4 registration issued under this Act shall be set by the  
5 Department by rule. Renewal shall be conditioned on paying the  
6 required fee and meeting other requirements as may be  
7 established by rule.

8           A registrant who has permitted his or her registration to  
9 expire or who has had his or her registration on inactive  
10 status may have the registration restored by making application  
11 to the Department, by filing proof acceptable to the Department  
12 of his or her fitness to have the registration restored, and by  
13 paying the required fees. Proof of fitness may include sworn  
14 evidence certifying to active lawful practice in another  
15 jurisdiction.

16           If the registrant has not maintained an active practice in  
17 another jurisdiction satisfactory to the Department, the  
18 Department shall determine, by an evaluation program  
19 established by rule, his or her fitness for restoration of the  
20 registration and shall establish procedures and requirements  
21 for restoration. However, a registrant whose registration  
22 expired while he or she was (1) in federal service on active  
23 duty with the Armed Forces of the United States or the State  
24 Militia called into service or training, or (2) in training or  
25 education under the supervision of the United States before



1 induction into the military service, may have the registration  
2 restored without paying any lapsed renewal fees if within 2  
3 years after honorable termination of the service, training, or  
4 education he or she furnishes the Department with satisfactory  
5 evidence to the effect that he or she has been so engaged and  
6 that his or her service, training, or education has been so  
7 terminated.

8 Section 45. Inactive status. A registrant who notifies the  
9 Department in writing on forms prescribed by the Department may  
10 elect to place his or her registration on inactive status and  
11 shall, subject to rules of the Department, be excused from  
12 payment of renewal fees until he or she notifies the Department  
13 in writing of his or her intention to restore the registration.  
14 A registrant requesting restoration from inactive status shall  
15 pay the current renewal fee and shall restore his or her  
16 registration in accordance with Section 40 of this Act. A  
17 registrant whose registration is on inactive or non-renewed  
18 status shall not hold himself or herself out as a registered  
19 neurodiagnostic technologist. To do so shall be grounds for  
20 discipline under Section 65 of this Act.

21 Section 50. Fees; returned checks.

22 (a) The Department shall set by rule fees for the  
23 administration of this Act, including, but not limited to, fees  
24 for initial and renewal registration and restoration of a

1 certificate of registration.

2 (b) A person who delivers a check or other payment to the  
3 Department that is returned to the Department unpaid by the  
4 financial institution upon which it is drawn shall pay to the  
5 Department, in addition to the amount already owed to the  
6 Department, a fine of \$50. The fines imposed by this Section  
7 are in addition to any other discipline provided under this  
8 Act. The Department shall notify the person that fees and fines  
9 shall be paid to the Department by certified check or money  
10 order within 30 calendar days after the notification. If, after  
11 the expiration of 30 days from the date of the notification,  
12 the person has failed to submit the necessary remittance, the  
13 Department shall automatically terminate the registration or  
14 deny the application without a hearing. If the person seeks a  
15 registration after termination or denial, he or she shall apply  
16 to the Department for restoration or issuance of the  
17 registration and pay all fees and fines due to the Department.  
18 The Department may establish a fee for the processing of an  
19 application for restoration of a registration to defray the  
20 expenses of processing the application. The Secretary may waive  
21 the fines due under this Section in individual cases if the  
22 Secretary finds that the fines would be unreasonable or  
23 unnecessarily burdensome.

24 (c) All of the fees and fines collected under this Act  
25 shall be deposited into the General Professions Dedicated Fund.  
26 All moneys in the Fund shall be used by the Department, as

1 appropriated, for the ordinary and contingent expenses of the  
2 Department.

3 Section 55. Powers and duties of the Department.

4 (a) The Department shall exercise the powers and duties  
5 prescribed by the Civil Administrative Code of Illinois and  
6 shall exercise any other powers and duties necessary for  
7 effectuating the purposes of this Act.

8 (b) The Department may adopt rules consistent with the  
9 provisions of this Act for its administration and enforcement  
10 and may prescribe forms that shall be issued in connection with  
11 this Act. The rules may include, but are not limited to,  
12 criteria for registration, professional conduct, and  
13 discipline.

14 Section 60. Illinois Administrative Procedure Act. The  
15 Illinois Administrative Procedure Act is expressly adopted and  
16 incorporated in this Act as if all of the provisions of the  
17 Illinois Administrative Procedure Act were included in this  
18 Act. For purposes of this Act, the notice required under  
19 Section 10-25 of the Illinois Administrative Procedure Act is  
20 deemed sufficient when mailed to the registrant's address of  
21 record.

22 Section 65. Grounds for disciplinary action.

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

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

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

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

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

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

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

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

1 response to a written request made by the Department.

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

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

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

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

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

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

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

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

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

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

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

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

6           (18) Gross malpractice.

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

11          (20) Violation of the Health Care Worker Self-Referral  
12          Act.

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

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

1 longer subject to involuntary admission or judicial admission,  
2 (ii) issuance of an order so finding and discharging the  
3 patient, and (iii) filing of a petition for restoration  
4 demonstrating fitness to practice.

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

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

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



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

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

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

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

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

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

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

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

21 Section 70. Suspension of registration for failure to pay  
22 restitution. The Department, without further process or  
23 hearing, shall suspend the registration of any person who has  
24 been certified by court order as not having paid restitution to  
25 a person under Section 8A-3.5 of the Illinois Public Aid Code

1 or under Section 17-10.5 or 46-1 of the Criminal Code of 1961  
2 or the Criminal Code of 2012. A person whose registration is  
3 suspended under this Section is prohibited from practicing  
4 until the restitution is made in full.

5 Section 75. Cease and desist order; injunctions.

6 (a) If a person violates a provision of this Act, the  
7 Secretary, in the name of the People of the State of Illinois  
8 through the Attorney General of the State of Illinois, or the  
9 State's Attorney of a county in which the violation is alleged  
10 to have occurred, may petition for an order enjoining the  
11 violation or for an order enforcing compliance with this Act.  
12 Upon the filing of a verified petition in court, the court may  
13 issue a temporary restraining order without notice or bond and  
14 may preliminarily and permanently enjoin the violation. If it  
15 is established that the registrant has violated or is violating  
16 the injunction, the court may punish the offender for contempt  
17 of court. Proceedings under this Section shall be in addition  
18 to, and not in lieu of, all other remedies and penalties  
19 provided by this Act.

20 (b) If a person holds himself or herself out as a  
21 registered neurodiagnostic technologist without being  
22 registered under this Act, then any registrant under this Act,  
23 interested party, or person injured thereby, in addition to the  
24 Secretary or State's Attorney, may petition for relief as  
25 provided in subsection (a) of this Section.

1           (c) If the Department determines that a person violated a  
2 provision of this Act, the Department may issue a rule to show  
3 cause why an order to cease and desist should not be entered  
4 against him or her. The rule shall clearly set forth the  
5 grounds relied upon by the Department and shall provide a  
6 period of 7 days from the date of the rule to file an answer to  
7 the satisfaction of the Department. Failure to answer to the  
8 satisfaction of the Department shall cause an order to cease  
9 and desist to be issued immediately.

10           Section 80. Investigation; notice; hearing. The Department  
11 may investigate the actions of a person applying for, holding,  
12 or claiming to hold a certificate of registration. The  
13 Department shall, before refusing to issue or renew a  
14 registration or taking other disciplinary or non-disciplinary  
15 action pursuant to Section 65 of this Act, and at least 30 days  
16 prior to the date set for the hearing, (i) notify in writing  
17 the applicant or registrant of the charges made and the time  
18 and place for a hearing of the charges, (ii) direct the  
19 applicant or registrant to file a written answer to the  
20 Department under oath within 20 days after the service of the  
21 notice, and (iii) inform the applicant or registrant that  
22 failure to file an answer will result in default being taken  
23 against the applicant or registrant.

24           Written notice and any notice in the subsequent proceeding  
25 may be served by registered or certified mail to the

1 applicant's or registrant's address of record. If the person  
2 fails to file an answer after receiving notice, his or her  
3 certificate of registration may, in the discretion of the  
4 Department, be suspended, revoked, placed on probationary  
5 status, or the Department may take whatever disciplinary or  
6 non-disciplinary action deemed proper, including limiting the  
7 delegated tasks or the imposition of a fine, without a hearing,  
8 if the act or acts charged constitute sufficient grounds for  
9 such action under this Act. At the time and place fixed in the  
10 notice, the Department shall proceed to hearing of the charges  
11 and the parties and their counsel shall be afforded ample  
12 opportunity to present any pertinent statements, testimony,  
13 evidence, and arguments. The Department may continue a hearing  
14 from time to time.

15 Section 85. Confidentiality. All information collected by  
16 the Department in the course of an examination or investigation  
17 of a registrant or applicant, including, but not limited to,  
18 any complaint against a registrant filed with the Department  
19 and information collected to investigate any such complaint  
20 shall be maintained for the confidential use of the Department  
21 and shall not be disclosed. The Department shall not disclose  
22 the information to anyone other than law enforcement officials,  
23 regulatory agencies that have an appropriate regulatory  
24 interest as determined by the Secretary, or a party presenting  
25 a lawful subpoena to the Department. Information and documents

1 disclosed to a federal, State, county, or local law enforcement  
2 agency shall not be disclosed by the agency for any purpose to  
3 any other agency or person. A formal complaint filed against a  
4 registrant by the Department or any order issued by the  
5 Department against a registrant or applicant shall be a public  
6 record, except as otherwise prohibited by law.

7 Section 90. Record of proceedings. The Department, at its  
8 expense, shall preserve a record of all proceedings at a formal  
9 hearing conducted pursuant to Section 80 of this Act. Any  
10 registrant who is found to have violated this Act or who fails  
11 to appear for a hearing to refuse to issue, restore, or renew a  
12 registration or to discipline a registrant may be required by  
13 the Department to pay for the costs of the proceeding. These  
14 costs are limited to costs for court reporters, transcripts,  
15 and witness attendance and mileage fees. All costs imposed  
16 under this Section shall be paid within 60 days after the  
17 effective date of the order imposing the fine.

18 Section 95. Order for production of documents. A circuit  
19 court, upon application of the Department, may order the  
20 attendance and testimony of witnesses and the production of  
21 relevant documents, papers, files, books, and records in  
22 connection with a hearing or investigation. The court may  
23 compel obedience to its order through contempt proceedings.

1 Section 100. Subpoena power.

2 (a) The Department may subpoena and bring before it any  
3 person to take the oral or written testimony or compel the  
4 production of any books, papers, records, or any other  
5 documents that the Secretary or his or her designee deems  
6 relevant or material to any investigation or hearing conducted  
7 by the Department, with the same fees and mileage and in the  
8 same manner as prescribed by law in judicial proceedings in  
9 civil cases in circuit courts of this State.

10 (b) The Secretary, the hearing officer, or a certified  
11 shorthand court reporter may administer oaths at any hearing  
12 that the Department conducts. Notwithstanding any other  
13 statute or Department rule to the contrary, all requests for  
14 testimony, production of documents, or records shall be in  
15 accordance with this Act.

16 Section 105. Disciplinary report. At the conclusion of the  
17 hearing, the hearing officer shall present to the Secretary a  
18 written report of his or her findings of fact, conclusions of  
19 law, and recommendations. In the report, the hearing officer  
20 shall make a finding of whether or not the charged registrant  
21 or applicant violated a provision of this Act or its rules.

22 Section 110. Motion for rehearing. In a case involving the  
23 refusal to issue or renew a registration or the discipline of a  
24 registrant, a copy of the hearing officer's report shall be



1 served upon the respondent by the Department, as provided under  
2 Section 60 of this Act. Within 20 days after the service, the  
3 respondent may present to the Department a motion in writing  
4 for a rehearing, which shall specify the particular grounds for  
5 a rehearing. If no motion for rehearing is filed, then upon the  
6 expiration of the time specified for filing the motion, or if a  
7 motion for rehearing is denied, then upon the denial the  
8 Secretary may enter an order in accordance with recommendations  
9 of the Department, except as provided in Section 115 or 120 of  
10 this Act. If the respondent orders a transcript of the record  
11 from the reporting service and pays for the transcript within  
12 the time for filing a motion for rehearing, the 20-day period  
13 within which such a motion may be filed shall commence upon the  
14 delivery of the transcript to the respondent.

15 Section 115. Order of Secretary. The Secretary's order  
16 shall be based on the recommendations contained in the  
17 Department report unless the Secretary disagrees in any regard  
18 with the report of the Department, in which case he or she may  
19 issue an order in contravention of the report. The hearing  
20 officer's report and Secretary's order are not admissible in  
21 evidence against the person in a criminal prosecution brought  
22 for a violation of this Act, but the hearing, report, and order  
23 are not a bar to a criminal prosecution brought for the  
24 violation of this Act.

1           Section 120. Hearing officer. The Secretary shall have the  
2 authority to appoint an attorney licensed to practice law in  
3 this State to serve as the hearing officer in a hearing  
4 authorized under Section 90 of this Act. The hearing officer  
5 shall have full authority to conduct the hearing. The hearing  
6 officer shall report his or her findings of fact, conclusions  
7 of law, and recommendations to the Department. If the Secretary  
8 disagrees in any regard with the report of the Department, he  
9 or she may issue an order in contravention of the report. The  
10 Secretary shall provide a written explanation to the Department  
11 on a deviation from the Department's report and shall specify  
12 with particularity the reasons for his or her deviation in the  
13 final order.

14           Section 125. Rehearing on order of Secretary. Whenever the  
15 Secretary is not satisfied that substantial justice has been  
16 achieved in the discipline of a registrant, the Secretary may  
17 order a rehearing by the same or another hearing officer.

18           Section 130. Order; prima facie proof. An order or a  
19 certified copy of an order, over the seal of the Department and  
20 purporting to be signed by the Secretary, shall be prima facie  
21 proof that: (i) the signature is the genuine signature of the  
22 Secretary; and (ii) the Secretary is duly appointed and  
23 qualified.

1           Section 135. Restoration of registration from discipline.  
2           At any time after the successful completion of a term of  
3           indefinite probation, suspension, or revocation of a  
4           registration, the Department may restore the registration to  
5           active status unless, after an investigation and a hearing, the  
6           Secretary determines that restoration is not in the public  
7           interest. No person whose registration has been revoked as  
8           authorized in this Act may apply for restoration of that  
9           registration until such time as provided for in the Civil  
10          Administrative Code of Illinois.

11          Section 140. Surrender of certificate of registration.  
12          Upon the revocation or suspension of a certificate of  
13          registration, the registrant shall immediately surrender the  
14          certificate of registration to the Department. If the  
15          registrant fails to do so, the Department shall have the right  
16          to seize the certificate of registration.

17          Section 145. Summary suspension. The Secretary may  
18          summarily suspend the registration of a neurodiagnostic  
19          technologist without a hearing, simultaneously with the  
20          institution of proceedings for a hearing provided for in  
21          Section 80 of this Act, if the Secretary finds that evidence  
22          indicates that continuation in practice would constitute an  
23          imminent danger to the public. If the Secretary summarily  
24          suspends a registration without a hearing, a hearing by the

1 Department shall be commenced within 30 days after the  
2 suspension has occurred and shall be concluded as expeditiously  
3 as possible.

4 Section 150. Certificate of record. The Department shall  
5 not be required to certify any record to a court or file an  
6 answer in court or otherwise appear in a court in a judicial  
7 review proceeding unless and until the Department has received  
8 from the plaintiff payment of the costs of furnishing and  
9 certifying the record, which costs shall be determined by the  
10 Department. Exhibits shall be certified without cost. Failure  
11 on the part of the plaintiff to file a receipt in court shall  
12 be grounds for dismissal of the action.

13 Section 155. Administrative Review Law. All final  
14 administrative decisions of the Department are subject to  
15 judicial review under the Administrative Review Law and its  
16 rules. The term "administrative decision" is defined as in  
17 Section 3-101 of the Code of Civil Procedure. Proceedings for  
18 judicial review shall be commenced in the circuit court of the  
19 county in which the party seeking review resides. If the party  
20 seeking review is not a resident of this State, venue shall be  
21 in Sangamon County.

22 Section 160. Criminal penalties. A person who is found to  
23 have knowingly violated Section 15 of this Act is guilty of a

1 Class A misdemeanor for a first offense and is guilty of a  
2 Class 4 felony for a second or subsequent offense.

3 Section 165. Civil penalties.

4 (a) In addition to any other penalty provided by law, a  
5 person who violates Section 15 of this Act shall pay a civil  
6 penalty to the Department in an amount not to exceed \$10,000  
7 for each offense as determined by the Department. The civil  
8 penalty shall be assessed by the Department after a hearing is  
9 held in accordance with the provisions set forth in this Act.

10 (b) The Department has the authority and power to  
11 investigate any and all unregistered activity.

12 (c) The civil penalty assessed under this Act shall be paid  
13 within 60 days after the effective date of the order imposing  
14 the civil penalty. The order shall constitute a judgment and  
15 may be filed and execution had on the judgment in the same  
16 manner as a judgment from a court of record.

17 Section 170. Home rule powers. The regulation of  
18 neurodiagnostic technologists is an exclusive power and  
19 function of the State. A home rule unit shall not regulate  
20 neurodiagnostic technologists. This Section is a limitation  
21 under subsection (h) of Section 6 of Article VII of the  
22 Illinois Constitution.

23 Section 900. The Regulatory Sunset Act is amended by adding

1 Section 4.39 as follows:

2 (5 ILCS 80/4.39 new)

3 Sec. 4.39. Act repealed on January 1, 2029. The following  
4 Act is repealed on January 1, 2029:

5 The Registered Neurodiagnostic Technologist Title  
6 Protection Act.

7 Section 999. Effective date. This Act takes effect January  
8 1, 2019.