



Rep. Angelo Saviano

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09500HB0122ham001

LRB095 03940 RAS 35012 a

1 AMENDMENT TO HOUSE BILL 122

2 AMENDMENT NO. _____. Amend House Bill 122 on page 2,
3 immediately below line 5, by inserting the following:

4 "Section 10. The Marriage and Family Therapy Licensing Act
5 is amended by changing Sections 10, 25, 30, 60, 65, 85, 90, 95,
6 105, 110, 115, 120, 125, 130, and 145 and by adding Section 91
7 as follows:

8 (225 ILCS 55/10) (from Ch. 111, par. 8351-10)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 10. Definitions. As used in this Act:

11 "Advertise" means, but is not limited to, issuing or
12 causing to be distributed any card, sign or device to any
13 person; or causing, permitting or allowing any sign or marking
14 on or in any building, structure, newspaper, magazine or
15 directory, or on radio or television; or advertising by any
16 other means designed to secure public attention.

1 "Approved program" means an approved comprehensive program
2 of study in marriage and family therapy in a regionally
3 accredited educational institution approved by the Department
4 for the training of marriage and family therapists.

5 "Associate licensed marriage and family therapist" means a
6 person to whom an associate marriage and family therapist
7 license has been issued under this Act.

8 "Board" means the Illinois Marriage and Family Therapy
9 Licensing and Disciplinary Board.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 ~~"Director" means the Director of the Department of~~
13 ~~Professional Regulation.~~

14 "License" means that which is required to practice marriage
15 and family therapy under this Act, the qualifications for which
16 include specific education, acceptable experience and
17 examination requirements.

18 "Licensed marriage and family therapist" means a person to
19 whom a marriage and family therapist license has been issued
20 under this Act.

21 "Marriage and family therapy" means the evaluation and
22 treatment of mental and emotional problems within the context
23 of human relationships. Marriage and family therapy involves
24 the use of psychotherapeutic methods to ameliorate
25 interpersonal and intrapersonal conflict and to modify
26 perceptions, beliefs and behavior in areas of human life that

1 include, but are not limited to, premarriage, marriage,
2 sexuality, family, divorce adjustment, and parenting.

3 "Person" means any individual, firm, corporation,
4 partnership, organization, or body politic.

5 "Practice of marriage and family therapy" means the
6 rendering of marriage and family therapy services to
7 individuals, couples, and families as defined in this Section,
8 either singly or in groups, whether the services are offered
9 directly to the general public or through organizations, either
10 public or private, for a fee, monetary or otherwise.

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 "Title or description" means to hold oneself out as a
14 licensed marriage and family therapist or an associate licensed
15 marriage and family therapist to the public by means of stating
16 on signs, mailboxes, address plates, stationery,
17 announcements, calling cards or other instruments of
18 professional identification.

19 (Source: P.A. 91-362, eff. 1-1-00.)

20 (225 ILCS 55/25) (from Ch. 111, par. 8351-25)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 25. Marriage and Family Therapy Licensing and
23 Disciplinary Board.

24 (a) There is established within the Department the Marriage
25 and Family Therapy Licensing and Disciplinary Board to be

1 appointed by the Secretary ~~Director~~. The Board shall be
2 composed of 7 persons who shall serve in an advisory capacity
3 to the Secretary ~~Director~~. The Board shall elect a chairperson
4 and a vice chairperson.

5 (b) In appointing members of the Board, the Secretary
6 ~~Director~~ shall give due consideration to recommendations by
7 members of the profession of marriage and family therapy and by
8 the statewide organizations solely representing the interests
9 of marriage and family therapists.

10 (c) Five members of the Board shall be marriage and family
11 therapists who have been in active practice for at least 5
12 years immediately preceding their appointment, or engaged in
13 the education and training of masters, doctoral, or
14 post-doctoral students of marriage and family therapy, or
15 engaged in marriage and family therapy research. Each marriage
16 or family therapy teacher or researcher shall have spent the
17 majority of the time devoted to the study or research of
18 marriage and family therapy during the 2 years immediately
19 preceding his or her appointment to the Board. The appointees
20 shall be licensed under this Act.

21 (d) Two members shall be representatives of the general
22 public who have no direct affiliation or work experience with
23 the practice of marriage and family therapy and who clearly
24 represent consumer interests.

25 (e) Board members shall be appointed for terms of 4 years
26 each, except that any person chosen to fill a vacancy shall be

1 appointed only for the unexpired term of the Board member whom
2 he or she shall succeed. Upon the expiration of this term of
3 office, a Board member shall continue to serve until a
4 successor is appointed and qualified. No member shall be
5 reappointed to the Board for a term that would cause continuous
6 service on the Board to be longer than 8 years.

7 (f) The membership of the Board shall reasonably reflect
8 representation from the various geographic areas of the State.

9 (g) Members of the Board shall be immune from suit in any
10 action based upon any disciplinary proceedings or other
11 activities performed in good faith as members of the Board.

12 (h) The Secretary ~~Director~~ may remove any member of the
13 Board for any cause that, in the opinion of the Secretary
14 ~~Director~~, reasonably justifies termination.

15 (i) The Secretary ~~Director~~ may consider the
16 recommendations of the Board on questions of standards of
17 professional conduct, discipline, and qualification of
18 candidates or licensees under this Act.

19 (j) The members of the Board shall be reimbursed for all
20 legitimate, necessary, and authorized expenses.

21 (k) A majority of the Board members currently appointed
22 shall constitute a quorum. A vacancy in the membership of the
23 Board shall not impair the right of a quorum to exercise all
24 the rights and perform all the duties of the Board.

25 (Source: P.A. 90-61, eff. 12-30-97.)

1 (225 ILCS 55/30) (from Ch. 111, par. 8351-30)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 30. Application.

4 (a) Applications for original licensure shall be made to
5 the Department in writing on forms prescribed by the Department
6 and shall be accompanied by the appropriate documentation and
7 the required fee, which fee is nonrefundable. Any application
8 shall require such information as, in the judgment of the
9 Department, will enable the Department to pass on the
10 qualifications of the applicant for licensing.

11 (b) Applicants have 3 years from the date of application to
12 complete the application process. If the application has not
13 been completed within 3 years, the application shall be denied,
14 the fee shall be forfeited, and the applicant must reapply and
15 meet the requirements in effect at the time of reapplication.

16 (c) A license shall not be denied to an applicant because
17 of the applicant's race, religion, creed, national origin,
18 political beliefs or activities, age, sex, sexual orientation,
19 or physical disability that does not affect a person's ability
20 to practice with reasonable judgment, skill, or safety
21 impairment.

22 (Source: P.A. 90-61, eff. 12-30-97.)

23 (225 ILCS 55/60) (from Ch. 111, par. 8351-60)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 60. Payments; penalty for insufficient funds. Any

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

24 (Source: P.A. 92-146, eff. 1-1-02.)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 65. Endorsement. The Department may issue a license as
3 a licensed marriage and family therapist, without the required
4 examination, to an applicant licensed under the laws of another
5 state if the requirements for licensure in that state are, on
6 the date of licensure, substantially equal to the requirements
7 of this Act or to a person who, at the time of his or her
8 application for licensure, possessed individual qualifications
9 that were substantially equivalent to the requirements then in
10 force in this State. An applicant under this Section shall pay
11 all of the required fees.

12 ~~Applicants have 3 years from the date of application to~~
13 ~~complete the application process. If the process has not been~~
14 ~~completed within the 3 years, the application shall be denied,~~
15 ~~the fee shall be forfeited, and the applicant must reapply and~~
16 ~~meet the requirements in effect at the time of reapplication.~~

17 (Source: P.A. 90-61, eff. 12-30-97.)

18 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

19 (Section scheduled to be repealed on January 1, 2008)

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

21 (a) The Department may refuse to issue or renew, or may
22 revoke a license, or may suspend, place on probation, fine, or
23 take any disciplinary or non-disciplinary action as the
24 Department may deem proper, including fines not to exceed
25 \$10,000 ~~\$1000~~ for each violation, with regard to any licensee

1 for any one or combination of the following causes:

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

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

5 (3) Conviction of or entry of a plea of guilty or nolo
6 contendere to any crime that is a felony under the laws of
7 the United States or any state or territory thereof or that
8 ~~is (i) a felony, (ii) a misdemeanor, an essential element~~
9 ~~of which is dishonesty, or (iii) a crime~~ that is related to
10 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 ~~or gross negligence~~.

15 (6) Gross negligence ~~Malpractice~~.

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

18 (8) Failing, within 30 ~~60~~ days, to provide information
19 in response to a written 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 Board and published 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) Discipline by another state, territory, or
4 country if at least one of the grounds for the discipline
5 is the same or substantially equivalent to those set forth
6 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 (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.

15 (14) Abandonment of a patient without cause.

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

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

23 (17) 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 (18) Physical illness or mental illness or impairment
4 ~~disability~~, including, but not limited to, deterioration
5 through the aging process, or loss of motor skill ~~abilities~~
6 ~~and skills~~ that results in the inability to practice the
7 profession with reasonable judgment, skill, or safety.

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

10 (20) A finding that licensure has been applied for or
11 obtained by fraudulent means.

12 (21) 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 (22) Gross overcharging for professional services
16 including filing statements for collection of fees or
17 moneys for which services are not rendered.

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

26 (c) The determination by a circuit court that a licensee is

1 subject to involuntary admission or judicial admission, as
2 provided in the Mental Health and Developmental Disabilities
3 Code, operates as an automatic suspension. The suspension will
4 terminate only upon a finding by a court that the patient is no
5 longer subject to involuntary admission or judicial admission
6 and the issuance of an order so finding and discharging the
7 patient, and upon the recommendation of the Board to the
8 Secretary ~~Director~~ that the licensee be allowed to resume his
9 or her practice as a licensed marriage and family therapist or
10 an associate marriage and family therapist.

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

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

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

11 If the Department or Board finds an individual unable to
12 practice because of the reasons set forth in this Section, the
13 Department or Board may require that individual to submit to
14 care, counseling, or treatment by physicians approved or
15 designated by the Department or Board, as a condition, term, or
16 restriction for continued, reinstated, or renewed licensure to
17 practice; or, in lieu of care, counseling, or treatment, the
18 Department may file, or 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. An
21 individual whose license was granted, continued, reinstated,
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 ~~Director~~ for a determination as to whether the
26 individual shall have his or her license suspended immediately,

1 pending a hearing by the Department.

2 In instances in which the Secretary ~~Director~~ immediately
3 suspends a person's license under this Section, a hearing on
4 that person's license must be convened by the Department within
5 30 ~~15~~ days after the suspension and completed without
6 appreciable delay. The Department and Board shall have the
7 authority to review the subject individual's record of
8 treatment and counseling regarding the impairment to the extent
9 permitted by applicable federal statutes and regulations
10 safeguarding the confidentiality of medical records.

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

16 (Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

17 (225 ILCS 55/90) (from Ch. 111, par. 8351-90)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 90. Violations; injunctions; cease and desist order.

20 (a) If any person violates a provision of this Act, the
21 Secretary ~~Director~~ may, in the name of the People of the State
22 of Illinois, through the Attorney General of the State of
23 Illinois, petition for an order enjoining the violation or for
24 an order enforcing compliance with this Act. Upon the filing of
25 a verified petition in court, the court may issue a temporary

1 restraining order, without notice or bond, and may
2 preliminarily and permanently enjoin the violation. If it is
3 established that the person has violated or is violating the
4 injunction, the Court may punish the offender for contempt of
5 court. Proceedings under this Section are in addition to, and
6 not in lieu of, all other remedies and penalties provided by
7 this Act.

8 (b) If any person practices as a marriage and family
9 therapist or an associate marriage and family therapist or
10 holds himself or herself out as such without having a valid
11 license under this Act, then any licensee, any interested party
12 or any person injured thereby may, in addition to the Secretary
13 ~~Director~~, petition for relief as provided in subsection (a) of
14 this Section.

15 (c) Whenever in the opinion of the Department any person
16 violates any provision of this Act, the Department may issue a
17 rule to show cause why an order to cease and desist should not
18 be entered against him or her. The rule shall clearly set forth
19 the grounds relied upon by the Department and shall provide a
20 period of 7 days from the date of the rule to file an answer to
21 the satisfaction of the Department. Failure to answer to the
22 satisfaction of the Department shall cause an order to cease
23 and desist to be issued immediately.

24 (Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

1 Sec. 91. Unlicensed practice; civil penalty.

2 (a) Any person who practices, offers to practice, attempts
3 to practice, or holds himself or herself out to practice as a
4 licensed marriage and family therapist without being licensed
5 under this Act shall, in addition to any other penalty provided
6 by law, pay a civil penalty to the Department in an amount not
7 to exceed \$10,000 for each offense, as determined by the
8 Department. The civil penalty shall be assessed by the
9 Department after a hearing is held in accordance with the
10 provisions set forth in this Act regarding the provision of a
11 hearing for the discipline of a licensee.

12 (b) The Department may investigate any and all unlicensed
13 activity.

14 (c) The civil penalty shall be paid within 60 days after
15 the effective date of the order imposing the civil penalty. The
16 order shall constitute a judgment and may be filed and
17 execution had thereon in the same manner as any judgment from
18 any court of record.

19 (225 ILCS 55/95) (from Ch. 111, par. 8351-95)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 95. Investigation; notice and hearing. The Department
22 may investigate the actions or qualifications of any person or
23 persons holding or claiming to hold a license. Before
24 suspending, revoking, placing on probationary status, or
25 taking any other disciplinary action as the Department may deem

1 proper with regard to any license, at least 30 days before the
2 date set for the hearing, the Department shall (i) notify the
3 accused in writing of any charges made and the time and place
4 for a hearing on the charges before the Board, (ii) direct him
5 or her to file a written answer to the charges with the Board
6 under oath within 20 days after the service on him or her of
7 such notice, and (iii) inform him or her that if he or she
8 fails to file an answer, default will be taken against him or
9 her and his or her license may be suspended, revoked, placed on
10 probationary status, or other disciplinary action taken with
11 regard to the license, including limiting the scope, nature, or
12 extent of his or her practice, as the Department may deem
13 proper. In case the person, after receiving notice, fails to
14 file an answer, his or her license may, in the discretion of
15 the Department, be suspended, revoked, placed on probationary
16 status, or the Department may take whatever disciplinary action
17 deemed proper, including limiting the scope, nature, or extent
18 of the person's practice or the imposition of a fine, without a
19 hearing, if the act or acts charged constitute sufficient
20 grounds for such action under this Act. This written notice and
21 any notice in the subsequent proceedings may be served by
22 personal delivery to the accused person, or by registered or
23 certified mail to the address last specified by the accused in
24 his last notification to the Department. In case the person
25 fails to file an answer after receiving notice, his or her
26 license may, in the discretion of the Department, be suspended,

1 revoked, or placed on probationary status, or the Department
2 may take whatever disciplinary action deemed proper, including
3 limiting the scope, nature, or extent of the person's practice
4 or the imposition of a fine, without a hearing, if the act or
5 acts charged constitute sufficient grounds for such action
6 under this Act. The written answer shall be served by personal
7 delivery, certified delivery, or certified or registered mail
8 to the Department. At the time and place fixed in the notice,
9 the Department shall proceed to hear the charges and the
10 parties or their counsel shall be accorded ample opportunity to
11 present such statements, testimony, evidence, and argument as
12 may be pertinent to the charges or to the defense thereto. The
13 Department may continue such hearing from time to time. At the
14 discretion of the Secretary ~~Director~~ after having first
15 received the recommendation of the Board, the accused person's
16 license may be suspended or revoked, if the evidence
17 constitutes sufficient grounds for such action under this Act.
18 (Source: P.A. 90-61, eff. 12-30-97; 90-655, eff. 7-30-98.)

19 (225 ILCS 55/105) (from Ch. 111, par. 8351-105)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 105. Subpoenas; oaths; attendance of witnesses. The
22 Department has the power to subpoena and to bring before it any
23 person and to take testimony either orally or by deposition, or
24 both, with the same fees and mileage and in the same manner as
25 prescribed in civil cases in the courts of this State.

1 The Secretary ~~Director~~, the designated hearing officer,
2 and every member of the Board has power to administer oaths to
3 witnesses at any hearing that the Department is authorized to
4 conduct and any other oaths authorized in any Act administered
5 by the Department. Any circuit court may, upon application of
6 the Department or its designee, or of the applicant or licensee
7 against whom proceedings under this Act are pending, enter an
8 order requiring the attendance of witnesses and their
9 testimony, and the production of documents, papers, files,
10 books and records in connection with any hearing or
11 investigation. The court may compel obedience to its order by
12 proceedings for contempt.

13 (Source: P.A. 87-783; 87-1237.)

14 (225 ILCS 55/110) (from Ch. 111, par. 8351-110)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 110. Recommendations for disciplinary action. At the
17 conclusion of the hearing, the Board shall present to the
18 Secretary ~~Director~~ a written report of its findings and
19 recommendations. The report shall contain a finding whether or
20 not the accused person violated this Act or failed to comply
21 with the conditions required in this Act. The Board shall
22 specify the nature of the violation or failure to comply, and
23 shall make its recommendations to the Secretary ~~Director~~.

24 The report of findings and recommendations of the Board
25 shall be the basis for the Department's order for refusal or

1 for the granting of a license, or for any disciplinary action,
2 unless the Secretary ~~Director~~ shall determine that the Board's
3 report is contrary to the manifest weight of the evidence, in
4 which case the Secretary ~~Director~~ may issue an order in
5 contravention of the Board's report. The finding is not
6 admissible in evidence against the person in a criminal
7 prosecution brought for the violation of this Act, but the
8 hearing and finding are not a bar to a criminal prosecution
9 brought for the violation of this Act.

10 (Source: P.A. 87-783.)

11 (225 ILCS 55/115) (from Ch. 111, par. 8351-115)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 115. Rehearing. In any hearing involving disciplinary
14 action against a licensee, a copy of the Board's report shall
15 be served upon the respondent by the Department, either
16 personally or as provided in this Act for the service of the
17 notice of hearing. Within 20 calendar days after service, the
18 respondent may present to the Department a motion in writing
19 for a rehearing that shall specify the particular grounds for
20 rehearing. If no motion for rehearing is filed, then upon the
21 expiration of the time specified for filing a motion, or if a
22 motion for rehearing is denied, then upon denial, the Secretary
23 ~~Director~~ may enter an order in accordance with recommendations
24 of the Board, except as provided in this Act. If the respondent
25 orders from the reporting service, and pays for, a transcript

1 of the record within the time for filing a motion for
2 rehearing, the 20 calendar day period within which a motion may
3 be filed shall commence upon the delivery of the transcript to
4 the respondent.

5 (Source: P.A. 87-783; 87-1237; 88-45.)

6 (225 ILCS 55/120) (from Ch. 111, par. 8351-120)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 120. Hearing by other hearing officer ~~examiner~~.

9 Whenever the Secretary ~~Director~~ is not satisfied that
10 substantial justice has been done in the revocation, suspension
11 or refusal to issue or renew a license, the Secretary ~~Director~~
12 may order a rehearing by the same or other hearing officer
13 ~~examiners~~.

14 (Source: P.A. 87-783.)

15 (225 ILCS 55/125) (from Ch. 111, par. 8351-125)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 125. Appointment of a hearing officer. The Secretary
18 ~~Director~~ has the authority to appoint any attorney duly
19 licensed to practice law in the State of Illinois to serve as
20 the hearing officer in any action for refusal to issue or renew
21 a license, or to discipline a licensee. The hearing officer has
22 full authority to conduct the hearing. The hearing officer
23 shall report his findings and recommendations to the Board and
24 the Secretary ~~Director~~. The Board shall ~~has 60 calendar days~~

1 ~~from receipt of the report to~~ review the report of the hearing
2 officer and present its findings of fact, conclusions of law
3 and recommendations to the Secretary ~~Director~~. If the Board
4 fails to present its report ~~within the 60 calendar day period,~~
5 the Secretary ~~Director~~ may issue an order based on the report
6 of the hearing officer. If the Secretary ~~Director~~ disagrees
7 with the recommendation of the Board or the hearing officer,
8 the Secretary ~~Director~~ may issue an order in contravention of
9 the recommendation.

10 (Source: P.A. 87-783; 87-1237.)

11 (225 ILCS 55/130) (from Ch. 111, par. 8351-130)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 130. Order; certified copy. An order or a certified
14 copy thereof, over the seal of the Department and purporting to
15 be signed by the Secretary ~~Director~~, shall be prima facie
16 proof:

17 (a) that the signature is the genuine signature of the
18 Secretary ~~Director~~;

19 (b) that the Secretary ~~Director~~ is duly appointed and
20 qualified; and

21 (c) that the Board and its members are qualified to act.

22 (Source: P.A. 87-783.)

23 (225 ILCS 55/145) (from Ch. 111, par. 8351-145)

24 (Section scheduled to be repealed on January 1, 2008)

1 Sec. 145. Summary suspension. The Secretary ~~Director~~ may
2 summarily suspend the license of a marriage and family
3 therapist or an associate marriage and family therapist without
4 a hearing, simultaneously with the institution of proceedings
5 for a hearing provided for in this Act, if the Secretary
6 ~~Director~~ finds that evidence in his or her possession indicates
7 that a marriage and family therapist's or associate marriage
8 and family therapist's continuation in practice would
9 constitute an imminent danger to the public. In the event that
10 the Secretary ~~Director~~ summarily suspends the license of a
11 marriage and family therapist or an associate marriage and
12 family therapist without a hearing, a hearing by the Board must
13 be held within 30 calendar days after the suspension has
14 occurred.

15 (Source: P.A. 91-362, eff. 1-1-00.)".