

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008. The following  
8 Acts are repealed on January 1, 2008:

9 The Acupuncture Practice Act.

10 The Clinical Social Work and Social Work Practice Act.

11 The Home Medical Equipment and Services Provider License  
12 Act.

13 The Nursing and Advanced Practice Nursing Act.

14 The Illinois Petroleum Education and Marketing Act.

15 The Illinois Speech-Language Pathology and Audiology  
16 Practice Act.

17 ~~The Marriage and Family Therapy Licensing Act.~~

18 The Nursing Home Administrators Licensing and Disciplinary  
19 Act.

20 The Pharmacy Practice Act of 1987.

21 The Physician Assistant Practice Act of 1987.

22 The Podiatric Medical Practice Act of 1987.

23 The Structural Pest Control Act.

1 (Source: P.A. 94-754, eff. 5-10-06.)

2 (5 ILCS 80/4.28 new)

3 Sec. 4.28. Act repealed on January 1, 2018. The following  
4 Act is repealed on January 1, 2018:

5 The Marriage and Family Therapy Licensing Act.

6 Section 10. The Marriage and Family Therapy Licensing Act  
7 is amended by changing Sections 10, 25, 30, 60, 65, 85, 90, 95,  
8 105, 110, 115, 120, 125, 130, and 145 and by adding Section 91  
9 as follows:

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

11 (Section scheduled to be repealed on January 1, 2008)

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

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

19 "Approved program" means an approved comprehensive program  
20 of study in marriage and family therapy in a regionally  
21 accredited educational institution approved by the Department  
22 for the training of marriage and family therapists.

23 "Associate licensed marriage and family therapist" means a

1 person to whom an associate marriage and family therapist  
2 license has been issued under this Act.

3 "Board" means the Illinois Marriage and Family Therapy  
4 Licensing and Disciplinary Board.

5 "Department" means the Department of Financial and  
6 Professional Regulation.

7 ~~"Director" means the Director of the Department of~~  
8 ~~Professional Regulation.~~

9 "License" means that which is required to practice marriage  
10 and family therapy under this Act, the qualifications for which  
11 include specific education, acceptable experience and  
12 examination requirements.

13 "Licensed marriage and family therapist" means a person to  
14 whom a marriage and family therapist license has been issued  
15 under this Act.

16 "Marriage and family therapy" means the evaluation and  
17 treatment of mental and emotional problems within the context  
18 of human relationships. Marriage and family therapy involves  
19 the use of psychotherapeutic methods to ameliorate  
20 interpersonal and intrapersonal conflict and to modify  
21 perceptions, beliefs and behavior in areas of human life that  
22 include, but are not limited to, premarriage, marriage,  
23 sexuality, family, divorce adjustment, and parenting.

24 "Person" means any individual, firm, corporation,  
25 partnership, organization, or body politic.

26 "Practice of marriage and family therapy" means the

1 rendering of marriage and family therapy services to  
2 individuals, couples, and families as defined in this Section,  
3 either singly or in groups, whether the services are offered  
4 directly to the general public or through organizations, either  
5 public or private, for a fee, monetary or otherwise.

6 "Secretary" means the Secretary of Financial and  
7 Professional Regulation.

8 "Title or description" means to hold oneself out as a  
9 licensed marriage and family therapist or an associate licensed  
10 marriage and family therapist to the public by means of stating  
11 on signs, mailboxes, address plates, stationery,  
12 announcements, calling cards or other instruments of  
13 professional identification.

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

15 (225 ILCS 55/25) (from Ch. 111, par. 8351-25)

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

17 Sec. 25. Marriage and Family Therapy Licensing and  
18 Disciplinary Board.

19 (a) There is established within the Department the Marriage  
20 and Family Therapy Licensing and Disciplinary Board to be  
21 appointed by the Secretary ~~Director~~. The Board shall be  
22 composed of 7 persons who shall serve in an advisory capacity  
23 to the Secretary ~~Director~~. The Board shall elect a chairperson  
24 and a vice chairperson.

25 (b) In appointing members of the Board, the Secretary

1 ~~Director~~ shall give due consideration to recommendations by  
2 members of the profession of marriage and family therapy and by  
3 the statewide organizations solely representing the interests  
4 of marriage and family therapists.

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

16 (d) Two members shall be representatives of the general  
17 public who have no direct affiliation or work experience with  
18 the practice of marriage and family therapy and who clearly  
19 represent consumer interests.

20 (e) Board members shall be appointed for terms of 4 years  
21 each, except that any person chosen to fill a vacancy shall be  
22 appointed only for the unexpired term of the Board member whom  
23 he or she shall succeed. Upon the expiration of this term of  
24 office, a Board member shall continue to serve until a  
25 successor is appointed and qualified. No member shall be  
26 reappointed to the Board for a term that would cause continuous

1 service on the Board to be longer than 8 years.

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

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

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

10 (i) The Secretary ~~Director~~ may consider the  
11 recommendations of the Board on questions of standards of  
12 professional conduct, discipline, and qualification of  
13 candidates or licensees under this Act.

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

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

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

21 (225 ILCS 55/30) (from Ch. 111, par. 8351-30)

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

23 Sec. 30. Application.

24 (a) Applications for original licensure shall be made to  
25 the Department in writing on forms prescribed by the Department

1 and shall be accompanied by the appropriate documentation and  
2 the required fee, which fee is nonrefundable. Any application  
3 shall require such information as, in the judgment of the  
4 Department, will enable the Department to pass on the  
5 qualifications of the applicant for licensing.

6 (b) Applicants have 3 years from the date of application to  
7 complete the application process. If the application has not  
8 been completed within 3 years, the application shall be denied,  
9 the fee shall be forfeited, and the applicant must reapply and  
10 meet the requirements in effect at the time of reapplication.

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

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

18 (225 ILCS 55/60) (from Ch. 111, par. 8351-60)

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

20 Sec. 60. Payments; penalty for insufficient funds. Any  
21 person who delivers a check or other payment to the Department  
22 that is returned to the Department unpaid by the financial  
23 institution upon which it is drawn shall pay to the Department,  
24 in addition to the amount already owed to the Department, a  
25 fine of \$50. The fines imposed by this Section are in addition

1 to any other discipline provided under this Act prohibiting  
2 unlicensed practice or practice on a nonrenewed license. The  
3 Department shall notify the person that payment of fees and  
4 fines shall be paid to the Department by certified check or  
5 money order within 30 calendar days after notification. If,  
6 after the expiration of 30 days from the date of the  
7 notification, the person has failed to submit the necessary  
8 remittance, the Department shall automatically terminate the  
9 license or deny the application, without hearing. If, after  
10 termination or denial, the person seeks a license, he or she  
11 shall apply to the Department for restoration or issuance of  
12 the license and pay all fees and fines due to the Department.  
13 The Department may establish a fee for the processing of an  
14 application for restoration of a license to pay all expenses of  
15 processing this application. The Secretary ~~Director~~ may waive  
16 the fines due under this Section in individual cases where the  
17 Secretary ~~Director~~ finds that the fines would be unreasonable  
18 or unnecessarily burdensome.

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

20 (225 ILCS 55/65) (from Ch. 111, par. 8351-65)

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

22 Sec. 65. Endorsement. The Department may issue a license as  
23 a licensed marriage and family therapist, without the required  
24 examination, to an applicant licensed under the laws of another  
25 state if the requirements for licensure in that state are, on



1 the date of licensure, substantially equal to the requirements  
2 of this Act or to a person who, at the time of his or her  
3 application for licensure, possessed individual qualifications  
4 that were substantially equivalent to the requirements then in  
5 force in this State. An applicant under this Section shall pay  
6 all of the required fees.

7 ~~Applicants have 3 years from the date of application to~~  
8 ~~complete the application process. If the process has not been~~  
9 ~~completed within the 3 years, the application shall be denied,~~  
10 ~~the fee shall be forfeited, and the applicant must reapply and~~  
11 ~~meet the requirements in effect at the time of reapplication.~~

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

13 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

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

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

16 (a) The Department may refuse to issue or renew, or may  
17 revoke a license, or may suspend, place on probation, fine, or  
18 take any disciplinary or non-disciplinary action as the  
19 Department may deem proper, including fines not to exceed  
20 \$10,000 ~~\$1000~~ for each violation, with regard to any licensee  
21 for any one or combination of the following causes:

22 (1) Material misstatement in furnishing information to  
23 the Department.

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

25 (3) Conviction of or entry of a plea of guilty or nolo

1        contendere to any crime that is a felony under the laws of  
2        the United States or any state or territory thereof or that  
3        ~~is (i) a felony, (ii) a misdemeanor, an essential element~~  
4        of which is dishonesty, or ~~(iii) a crime~~ that is related to  
5        the practice of the profession.

6            (4) Making any misrepresentation for the purpose of  
7        obtaining a license or violating any provision of this Act  
8        or its rules.

9            (5) Professional incompetence ~~or gross negligence~~.

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

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

13          (8) Failing, within 30 ~~60~~ days, to provide information  
14        in response to a written request made by the Department.

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

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

24          (11) Discipline by another state, territory, or  
25        country if at least one of the grounds for the discipline  
26        is the same or substantially equivalent to those set forth

1 in this Act.

2 (12) 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.

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) Abandonment of a patient without cause.

11 (15) Willfully making or filing false records or  
12 reports relating to a licensee's practice, including but  
13 not limited to false records filed with State agencies or  
14 departments.

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

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

24 (18) Physical illness or mental illness or impairment  
25 ~~disability~~, including, but not limited to, deterioration  
26 through the aging process, or loss of motor skill ~~abilities~~

1 ~~and skills~~ that results in the inability to practice the  
2 profession with reasonable judgment, skill, or safety.

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

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

7 (21) Practicing or attempting to practice under a name  
8 other than the full name as shown on the license or any  
9 other legally authorized name.

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

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

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

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

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

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

1 individual to submit to a mental or physical examination, when  
2 directed, shall be grounds for suspension of his or her license  
3 until the individual submits to the examination if the  
4 Department finds, after notice and hearing, that the refusal to  
5 submit to the examination was without reasonable cause.

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

23 In instances in which the Secretary ~~Director~~ immediately  
24 suspends a person's license under this Section, a hearing on  
25 that person's license must be convened by the Department within  
26 30 ~~15~~ days after the suspension and completed without

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

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

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

12 (225 ILCS 55/90) (from Ch. 111, par. 8351-90)

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

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

15 (a) If any person violates a provision of this Act, the  
16 Secretary ~~Director~~ may, in the name of the People of the State  
17 of Illinois, through the Attorney General of the State of  
18 Illinois, petition for an order enjoining the violation or for  
19 an order enforcing compliance with this Act. Upon the filing of  
20 a verified petition in court, the court may issue a temporary  
21 restraining order, without notice or bond, and may  
22 preliminarily and permanently enjoin the violation. If it is  
23 established that the person has violated or is violating the  
24 injunction, the Court may punish the offender for contempt of  
25 court. Proceedings under this Section are in addition to, and

1 not in lieu of, all other remedies and penalties provided by  
2 this Act.

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

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

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

20 (225 ILCS 55/91 new)

21 Sec. 91. Unlicensed practice; civil penalty.

22 (a) Any person who practices, offers to practice, attempts  
23 to practice, or holds himself or herself out to practice as a  
24 licensed marriage and family therapist without being licensed  
25 under this Act shall, in addition to any other penalty provided



1 by law, pay a civil penalty to the Department in an amount not  
2 to exceed \$10,000 for each offense, as determined by the  
3 Department. The civil penalty shall be assessed by the  
4 Department after a hearing is held in accordance with the  
5 provisions set forth in this Act regarding the provision of a  
6 hearing for the discipline of a licensee.

7 (b) The Department may investigate any and all unlicensed  
8 activity.

9 (c) The civil penalty shall be paid within 60 days after  
10 the effective date of the order imposing the civil penalty. The  
11 order shall constitute a judgment and may be filed and  
12 execution had thereon in the same manner as any judgment from  
13 any court of record.

14 (225 ILCS 55/95) (from Ch. 111, par. 8351-95)

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

16 Sec. 95. Investigation; notice and hearing. The Department  
17 may investigate the actions or qualifications of any person or  
18 persons holding or claiming to hold a license. Before  
19 suspending, revoking, placing on probationary status, or  
20 taking any other disciplinary action as the Department may deem  
21 proper with regard to any license, at least 30 days before the  
22 date set for the hearing, the Department shall (i) notify the  
23 accused in writing of any charges made and the time and place  
24 for a hearing on the charges before the Board, (ii) direct him  
25 or her to file a written answer to the charges with the Board

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

1 under this Act. The written answer shall be served by personal  
2 delivery, certified delivery, or certified or registered mail  
3 to the Department. At the time and place fixed in the notice,  
4 the Department shall proceed to hear the charges and the  
5 parties or their counsel shall be accorded ample opportunity to  
6 present such statements, testimony, evidence, and argument as  
7 may be pertinent to the charges or to the defense thereto. The  
8 Department may continue such hearing from time to time. At the  
9 discretion of the Secretary ~~Director~~ after having first  
10 received the recommendation of the Board, the accused person's  
11 license may be suspended or revoked, if the evidence  
12 constitutes sufficient grounds for such action under this Act.

13 (Source: P.A. 90-61, eff. 12-30-97; 90-655, eff. 7-30-98.)

14 (225 ILCS 55/105) (from Ch. 111, par. 8351-105)

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

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

21 The Secretary ~~Director~~, the designated hearing officer,  
22 and every member of the Board has power to administer oaths to  
23 witnesses at any hearing that the Department is authorized to  
24 conduct and any other oaths authorized in any Act administered  
25 by the Department. Any circuit court may, upon application of

1 the Department or its designee, or of the applicant or licensee  
2 against whom proceedings under this Act are pending, enter an  
3 order requiring the attendance of witnesses and their  
4 testimony, and the production of documents, papers, files,  
5 books and records in connection with any hearing or  
6 investigation. The court may compel obedience to its order by  
7 proceedings for contempt.

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

9 (225 ILCS 55/110) (from Ch. 111, par. 8351-110)

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

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

19 The report of findings and recommendations of the Board  
20 shall be the basis for the Department's order for refusal or  
21 for the granting of a license, or for any disciplinary action,  
22 unless the Secretary ~~Director~~ shall determine that the Board's  
23 report is contrary to the manifest weight of the evidence, in  
24 which case the Secretary ~~Director~~ may issue an order in  
25 contravention of the Board's report. The finding is not

1 admissible in evidence against the person in a criminal  
2 prosecution brought for the violation of this Act, but the  
3 hearing and finding are not a bar to a criminal prosecution  
4 brought for the violation of this Act.

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

6 (225 ILCS 55/115) (from Ch. 111, par. 8351-115)

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

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

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

1 (225 ILCS 55/120) (from Ch. 111, par. 8351-120)

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

3 Sec. 120. Hearing by other hearing officer ~~examiner~~.  
4 Whenever the Secretary ~~Director~~ is not satisfied that  
5 substantial justice has been done in the revocation, suspension  
6 or refusal to issue or renew a license, the Secretary ~~Director~~  
7 may order a rehearing by the same or other hearing officer  
8 ~~examiners~~.

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

10 (225 ILCS 55/125) (from Ch. 111, par. 8351-125)

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

12 Sec. 125. Appointment of a hearing officer. The Secretary  
13 ~~Director~~ has the authority to appoint any attorney duly  
14 licensed to practice law in the State of Illinois to serve as  
15 the hearing officer in any action for refusal to issue or renew  
16 a license, or to discipline a licensee. The hearing officer has  
17 full authority to conduct the hearing. The hearing officer  
18 shall report his findings and recommendations to the Board and  
19 the Secretary ~~Director~~. The Board has 60 calendar days from  
20 receipt of the report to review the report of the hearing  
21 officer and present its findings of fact, conclusions of law  
22 and recommendations to the Secretary ~~Director~~. If the Board  
23 fails to present its report within the 60 calendar day period,  
24 the respondent may request in writing a direct appeal to the

1 Secretary, in which case the Secretary shall, within 7 calendar  
2 days after the request, issue an order directing the Board to  
3 issue its findings of fact, conclusions of law, and  
4 recommendations to the Secretary within 30 calendar days after  
5 such order. If the Board fails to issue its findings of fact,  
6 conclusions of law, and recommendations within that time frame  
7 to the Secretary after the entry of such order, the Secretary  
8 shall, within 30 calendar days thereafter, issue an order based  
9 upon the report of the hearing officer and the record of the  
10 proceedings or issue an order remanding the matter back to the  
11 hearing officer for additional proceedings in accordance with  
12 the order. If (i) a direct appeal is requested, (ii) the Board  
13 fails to issue its findings of fact, conclusions of law, and  
14 recommendations within the 30-day mandate from the Secretary or  
15 the Secretary fails to order the Board to do so, and (iii) the  
16 Secretary fails to issue an order within 30 calendar days  
17 thereafter, then the hearing officer's report is deemed  
18 accepted and a final decision of the Secretary. Notwithstanding  
19 any other provision of this Section, if the Secretary, upon  
20 review, determines that substantial justice has not been done  
21 in the revocation, suspension, or refusal to issue or renew a  
22 license or other disciplinary action taken as the result of the  
23 entry of the hearing officer's report, the Secretary may order  
24 a rehearing by the same or other examiners ~~the Director may~~  
25 ~~issue an order based on the report of the hearing officer.~~ If  
26 the Secretary ~~Director~~ disagrees with the recommendation of the

1 Board or the hearing officer, the Secretary ~~Director~~ may issue  
2 an order in contravention of the recommendation.

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

4 (225 ILCS 55/130) (from Ch. 111, par. 8351-130)

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

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

10 (a) that the signature is the genuine signature of the  
11 Secretary ~~Director~~;

12 (b) that the Secretary ~~Director~~ is duly appointed and  
13 qualified; and

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

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

16 (225 ILCS 55/145) (from Ch. 111, par. 8351-145)

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

18 Sec. 145. Summary suspension. The Secretary ~~Director~~ may  
19 summarily suspend the license of a marriage and family  
20 therapist or an associate marriage and family therapist without  
21 a hearing, simultaneously with the institution of proceedings  
22 for a hearing provided for in this Act, if the Secretary  
23 ~~Director~~ finds that evidence in his or her possession indicates  
24 that a marriage and family therapist's or associate marriage



1 and family therapist's continuation in practice would  
2 constitute an imminent danger to the public. In the event that  
3 the Secretary ~~Director~~ summarily suspends the license of a  
4 marriage and family therapist or an associate marriage and  
5 family therapist without a hearing, a hearing by the Board must  
6 be held within 30 calendar days after the suspension has  
7 occurred.

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

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