



Rep. Angelo Saviano

Adopted in House on Jun 20, 2007

09500HB0128ham002

LRB095 03936 RAS 37648 a

1 AMENDMENT TO HOUSE BILL 128

2 AMENDMENT NO. _____. Amend House Bill 128, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 18, by replacing lines 11 through 17 with the
5 following:

6 "Board and the Secretary ~~Director~~. The Board shall have 60 days
7 from receipt of the report to review the report of the hearing
8 officer and present its findings of fact, conclusions of law
9 and recommendation to the Secretary ~~Director~~. If the Board
10 fails to present its report within the 60 day period, the
11 respondent may request in writing a direct appeal to the
12 Secretary, in which case the Secretary shall, within 7 calendar
13 days after the request, issue an order directing the Board to
14 issue its findings of fact, conclusions of law, and
15 recommendations to the Secretary within 30 calendar days after
16 such order. If the Board fails to issue its findings of fact,
17 conclusions of law, and recommendations within that time frame
18 to the Secretary after the entry of such order, the Secretary

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