



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1353

Introduced 2/18/2009, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

225 ILCS 41/15-15

Amends the Funeral Directors and Embalmers Licensing Code. Provides for the summary suspension of a license issued under the Code upon the finding of the Secretary of Financial and Professional Regulation that the continuation of practice by a licensee would constitute an imminent danger to the public. Effective immediately.

LRB096 03912 ASK 13947 b

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 Funeral Directors and Embalmers Licensing
5 Code is amended by changing Section 15-15 as follows:

6 (225 ILCS 41/15-15)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 15-15. Complaints; investigations; hearings; summary
9 suspension of license. The Department shall conduct regular
10 inspections of all funeral establishments to determine
11 compliance with the provisions of this Code. The Department may
12 upon its own motion and shall upon the verified complaint in
13 writing of any person setting forth facts that if proved would
14 constitute grounds for refusal, suspension, revocation, or
15 other disciplinary action investigate the action of any person
16 holding or claiming to hold a license under this Code. The
17 Department shall report to the Board, on at least a quarterly
18 basis, the status or disposition of all complaints against, and
19 investigations of, license holders. The Department shall,
20 before refusing to issue or renew, suspending, revoking, or
21 taking any other disciplinary action with respect to any
22 license and at least 30 days before the date set for the
23 hearing, notify in writing the licensee of any charges made and

1 shall direct that person to file a written answer to the Board
2 under oath within 20 days after the service of the notice and
3 inform that person that failure to file an answer may result in
4 default being taken and the person's license or certificate may
5 be suspended, revoked, placed on probationary status, or other
6 disciplinary action may be taken, including limiting the scope,
7 nature or extent of practice, as the Secretary ~~Director~~ may
8 deem proper. The Department shall afford the licensee an
9 opportunity to be heard in person or by counsel in reference to
10 the charges. Written notice may be served by personal delivery
11 to the licensee or by mailing it by registered mail to the last
12 known business address of licensee. In case the person fails to
13 file an answer after receiving notice, his or her license or
14 certificate may, in the discretion of the Department, be
15 suspended, revoked, or placed on probationary status, or the
16 Department may take whatever disciplinary action deemed
17 proper, including limiting the scope, nature, or extent of the
18 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. The hearing on the
21 charges shall be at a time and place as the Department shall
22 prescribe. The Department may appoint a hearing officer to
23 conduct the hearing. The Department shall notify the Board of
24 the time and place of the hearing and Board members shall be
25 allowed to sit at the hearing. The Department has the power to
26 subpoena and bring before it any person in this State, or take

1 testimony of any person by deposition, with the same fees and
2 mileage, in the same manner as prescribed by law in judicial
3 proceedings in circuit courts of this State in civil cases. If
4 the Department determines that any licensee is guilty of a
5 violation of any of the provisions of this Code, disciplinary
6 action shall be taken against the licensee. The Department may
7 take disciplinary action without a formal hearing subject to
8 Section 10-70 of the Illinois Administrative Procedure Act.

9 The Secretary may summarily suspend the license of any
10 person licensed under this Act without a hearing,
11 simultaneously with the institution of proceedings for a
12 hearing provided for in this Section, if the Secretary finds
13 that evidence in the possession of the Secretary indicates that
14 the continuation of practice by the licensee would constitute
15 an imminent danger to the public. In the event that the
16 Secretary summarily suspends the license of an individual
17 without a hearing, a hearing must be held within 30 days after
18 the suspension has occurred.

19 (Source: P.A. 87-966; 88-45.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.