

# HB6295



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6295

Introduced 2/11/2010, by Rep. Darlene J. Senger

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15

Amends the Department of Professional Regulation Law. Provides that the Department shall collaborate with the Illinois Dental Society and the Illinois State Medical Society to study ways to improve communication among health care professionals and health care providers with respect to patient procedures and medical records. Effective immediately.

LRB096 19347 ASK 34738 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Professional Regulation Law of  
5 the Civil Administrative Code of Illinois is amended by  
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the  
10 Civil Administrative Code of Illinois, the following powers and  
11 duties:

12 (1) To authorize examinations in English to ascertain  
13 the qualifications and fitness of applicants to exercise  
14 the profession, trade, or occupation for which the  
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and  
17 wholly impartial method of examination of candidates to  
18 exercise the respective professions, trades, or  
19 occupations.

20 (3) To pass upon the qualifications of applicants for  
21 licenses, certificates, and authorities, whether by  
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what  
2 shall constitute a school, college, or university, or  
3 department of a university, or other institution,  
4 reputable and in good standing, and to determine the  
5 reputability and good standing of a school, college, or  
6 university, or department of a university, or other  
7 institution, reputable and in good standing, by reference  
8 to a compliance with those rules and regulations; provided,  
9 that no school, college, or university, or department of a  
10 university, or other institution that refuses admittance  
11 to applicants solely on account of race, color, creed, sex,  
12 or national origin shall be considered reputable and in  
13 good standing.

14 (5) To conduct hearings on proceedings to revoke,  
15 suspend, refuse to renew, place on probationary status, or  
16 take other disciplinary action as authorized in any  
17 licensing Act administered by the Department with regard to  
18 licenses, certificates, or authorities of persons  
19 exercising the respective professions, trades, or  
20 occupations and to revoke, suspend, refuse to renew, place  
21 on probationary status, or take other disciplinary action  
22 as authorized in any licensing Act administered by the  
23 Department with regard to those licenses, certificates, or  
24 authorities. The Department shall issue a monthly  
25 disciplinary report. The Department shall deny any license  
26 or renewal authorized by the Civil Administrative Code of

1 Illinois to any person who has defaulted on an educational  
2 loan or scholarship provided by or guaranteed by the  
3 Illinois Student Assistance Commission or any governmental  
4 agency of this State; however, the Department may issue a  
5 license or renewal if the aforementioned persons have  
6 established a satisfactory repayment record as determined  
7 by the Illinois Student Assistance Commission or other  
8 appropriate governmental agency of this State.  
9 Additionally, beginning June 1, 1996, any license issued by  
10 the Department may be suspended or revoked if the  
11 Department, after the opportunity for a hearing under the  
12 appropriate licensing Act, finds that the licensee has  
13 failed to make satisfactory repayment to the Illinois  
14 Student Assistance Commission for a delinquent or  
15 defaulted loan. For the purposes of this Section,  
16 "satisfactory repayment record" shall be defined by rule.  
17 The Department shall refuse to issue or renew a license to,  
18 or shall suspend or revoke a license of, any person who,  
19 after receiving notice, fails to comply with a subpoena or  
20 warrant relating to a paternity or child support  
21 proceeding. However, the Department may issue a license or  
22 renewal upon compliance with the subpoena or warrant.

23 The Department, without further process or hearings,  
24 shall revoke, suspend, or deny any license or renewal  
25 authorized by the Civil Administrative Code of Illinois to  
26 a person who is certified by the Department of Healthcare

1 and Family Services (formerly Illinois Department of  
2 Public Aid) as being more than 30 days delinquent in  
3 complying with a child support order or who is certified by  
4 a court as being in violation of the Non-Support Punishment  
5 Act for more than 60 days. The Department may, however,  
6 issue a license or renewal if the person has established a  
7 satisfactory repayment record as determined by the  
8 Department of Healthcare and Family Services (formerly  
9 Illinois Department of Public Aid) or if the person is  
10 determined by the court to be in compliance with the  
11 Non-Support Punishment Act. The Department may implement  
12 this paragraph as added by Public Act 89-6 through the use  
13 of emergency rules in accordance with Section 5-45 of the  
14 Illinois Administrative Procedure Act. For purposes of the  
15 Illinois Administrative Procedure Act, the adoption of  
16 rules to implement this paragraph shall be considered an  
17 emergency and necessary for the public interest, safety,  
18 and welfare.

19 (6) To transfer jurisdiction of any realty under the  
20 control of the Department to any other department of the  
21 State Government or to acquire or accept federal lands when  
22 the transfer, acquisition, or acceptance is advantageous  
23 to the State and is approved in writing by the Governor.

24 (7) To formulate rules and regulations necessary for  
25 the enforcement of any Act administered by the Department.

26 (8) To exchange with the Department of Healthcare and

1 Family Services information that may be necessary for the  
2 enforcement of child support orders entered pursuant to the  
3 Illinois Public Aid Code, the Illinois Marriage and  
4 Dissolution of Marriage Act, the Non-Support of Spouse and  
5 Children Act, the Non-Support Punishment Act, the Revised  
6 Uniform Reciprocal Enforcement of Support Act, the Uniform  
7 Interstate Family Support Act, or the Illinois Parentage  
8 Act of 1984. Notwithstanding any provisions in this Code to  
9 the contrary, the Department of Professional Regulation  
10 shall not be liable under any federal or State law to any  
11 person for any disclosure of information to the Department  
12 of Healthcare and Family Services (formerly Illinois  
13 Department of Public Aid) under this paragraph (8) or for  
14 any other action taken in good faith to comply with the  
15 requirements of this paragraph (8).

16 (9) To perform other duties prescribed by law.

17 (a-5) Except in cases involving default on an educational  
18 loan or scholarship provided by or guaranteed by the Illinois  
19 Student Assistance Commission or any governmental agency of  
20 this State or in cases involving delinquency in complying with  
21 a child support order or violation of the Non-Support  
22 Punishment Act, no person or entity whose license, certificate,  
23 or authority has been revoked as authorized in any licensing  
24 Act administered by the Department may apply for restoration of  
25 that license, certification, or authority until 3 years after  
26 the effective date of the revocation.

1           (b) The Department may, when a fee is payable to the  
2 Department for a wall certificate of registration provided by  
3 the Department of Central Management Services, require that  
4 portion of the payment for printing and distribution costs be  
5 made directly or through the Department to the Department of  
6 Central Management Services for deposit into the Paper and  
7 Printing Revolving Fund. The remainder shall be deposited into  
8 the General Revenue Fund.

9           (c) For the purpose of securing and preparing evidence, and  
10 for the purchase of controlled substances, professional  
11 services, and equipment necessary for enforcement activities,  
12 recoupment of investigative costs, and other activities  
13 directed at suppressing the misuse and abuse of controlled  
14 substances, including those activities set forth in Sections  
15 504 and 508 of the Illinois Controlled Substances Act, the  
16 Director and agents appointed and authorized by the Director  
17 may expend sums from the Professional Regulation Evidence Fund  
18 that the Director deems necessary from the amounts appropriated  
19 for that purpose. Those sums may be advanced to the agent when  
20 the Director deems that procedure to be in the public interest.  
21 Sums for the purchase of controlled substances, professional  
22 services, and equipment necessary for enforcement activities  
23 and other activities as set forth in this Section shall be  
24 advanced to the agent who is to make the purchase from the  
25 Professional Regulation Evidence Fund on vouchers signed by the  
26 Director. The Director and those agents are authorized to

1 maintain one or more commercial checking accounts with any  
2 State banking corporation or corporations organized under or  
3 subject to the Illinois Banking Act for the deposit and  
4 withdrawal of moneys to be used for the purposes set forth in  
5 this Section; provided, that no check may be written nor any  
6 withdrawal made from any such account except upon the written  
7 signatures of 2 persons designated by the Director to write  
8 those checks and make those withdrawals. Vouchers for those  
9 expenditures must be signed by the Director. All such  
10 expenditures shall be audited by the Director, and the audit  
11 shall be submitted to the Department of Central Management  
12 Services for approval.

13 (d) Whenever the Department is authorized or required by  
14 law to consider some aspect of criminal history record  
15 information for the purpose of carrying out its statutory  
16 powers and responsibilities, then, upon request and payment of  
17 fees in conformance with the requirements of Section 2605-400  
18 of the Department of State Police Law (20 ILCS 2605/2605-400),  
19 the Department of State Police is authorized to furnish,  
20 pursuant to positive identification, the information contained  
21 in State files that is necessary to fulfill the request.

22 (e) The provisions of this Section do not apply to private  
23 business and vocational schools as defined by Section 1 of the  
24 Private Business and Vocational Schools Act.

25 (f) Beginning July 1, 1995, this Section does not apply to  
26 those professions, trades, and occupations licensed under the



1 Real Estate License Act of 2000, nor does it apply to any  
2 permits, certificates, or other authorizations to do business  
3 provided for in the Land Sales Registration Act of 1989 or the  
4 Illinois Real Estate Time-Share Act.

5 (g) Notwithstanding anything that may appear in any  
6 individual licensing statute or administrative rule, the  
7 Department shall deny any license application or renewal  
8 authorized under any licensing Act administered by the  
9 Department to any person who has failed to file a return, or to  
10 pay the tax, penalty, or interest shown in a filed return, or  
11 to pay any final assessment of tax, penalty, or interest, as  
12 required by any tax Act administered by the Illinois Department  
13 of Revenue, until such time as the requirement of any such tax  
14 Act are satisfied; however, the Department may issue a license  
15 or renewal if the person has established a satisfactory  
16 repayment record as determined by the Illinois Department of  
17 Revenue. For the purpose of this Section, "satisfactory  
18 repayment record" shall be defined by rule.

19 In addition, a complaint filed with the Department by the  
20 Illinois Department of Revenue that includes a certification,  
21 signed by its Director or designee, attesting to the amount of  
22 the unpaid tax liability or the years for which a return was  
23 not filed, or both, is prima facia evidence of the licensee's  
24 failure to comply with the tax laws administered by the  
25 Illinois Department of Revenue. Upon receipt of that  
26 certification, the Department shall, without a hearing,

1 immediately suspend all licenses held by the licensee.  
2 Enforcement of the Department's order shall be stayed for 60  
3 days. The Department shall provide notice of the suspension to  
4 the licensee by mailing a copy of the Department's order by  
5 certified and regular mail to the licensee's last known address  
6 as registered with the Department. The notice shall advise the  
7 licensee that the suspension shall be effective 60 days after  
8 the issuance of the Department's order unless the Department  
9 receives, from the licensee, a request for a hearing before the  
10 Department to dispute the matters contained in the order.

11 Any suspension imposed under this subsection (g) shall be  
12 terminated by the Department upon notification from the  
13 Illinois Department of Revenue that the licensee is in  
14 compliance with all tax laws administered by the Illinois  
15 Department of Revenue.

16 The Department shall promulgate rules for the  
17 administration of this subsection (g).

18 (h) The Department may grant the title "Retired", to be  
19 used immediately adjacent to the title of a profession  
20 regulated by the Department, to eligible retirees. The use of  
21 the title "Retired" shall not constitute representation of  
22 current licensure, registration, or certification. Any person  
23 without an active license, registration, or certificate in a  
24 profession that requires licensure, registration, or  
25 certification shall not be permitted to practice that  
26 profession.

1           (i) Within 180 days after December 23, 2009 (the effective  
2 date of Public Act 96-852) ~~this amendatory Act of the 96th~~  
3 ~~General Assembly~~, the Department shall promulgate rules which  
4 permit a person with a criminal record, who seeks a license or  
5 certificate in an occupation for which a criminal record is not  
6 expressly a per se bar, to apply to the Department for a  
7 non-binding, advisory opinion to be provided by the Board or  
8 body with the authority to issue the license or certificate as  
9 to whether his or her criminal record would bar the individual  
10 from the licensure or certification sought, should the  
11 individual meet all other licensure requirements including,  
12 but not limited to, the successful completion of the relevant  
13 examinations.

14           (j) The Department shall collaborate with the Illinois  
15 Dental Society and the Illinois State Medical Society to study  
16 ways to improve communication among health care professionals  
17 and health care providers with respect to patient procedures  
18 and medical records.

19           (Source: P.A. 95-331, eff. 8-21-07; 96-459, eff. 8-14-09;  
20 96-852, eff. 12-23-09; revised 1-4-10.)

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