



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2737

Introduced 1/28/2014, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Genetic Counselor Licensing Act. Defines "address of record". Increases the penalty that may be imposed on an unlicensed person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a genetic counselor to an amount not exceed \$10,000 (rather than \$5,000). Makes changes to certain procedural requirements of the application process. Increases the penalty that may be imposed on a person under provisions concerning grounds for disciplinary actions to an amount not to exceed \$10,000 (rather than \$5,000). Makes other changes concerning grounds for discipline. Provides that the Secretary of Financial and Professional Regulation may petition for an order enjoining a violation under the Act through the State's Attorney of any county where the violation is alleged to have occurred. Makes changes to provisions regarding the Department's authority to conduct disciplinary investigations and hearings. Removes the requirement that the Department furnish documents relating to disciplinary hearings. Makes other changes. Amends the Regulatory Sunset Act. Extends the repeal date of the Genetic Counselor Licensing Act from January 1, 2015 to January 1, 2025.

LRB098 15344 ZMM 50373 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 adding  
5 Section 4.35 as follows:

6 (5 ILCS 80/4.35 new)

7 Sec. 4.35. Act repealed on January 1, 2025. The following  
8 Act is repealed on January 1, 2025:

9 The Genetic Counselor Licensing Act.

10 (5 ILCS 80/4.25 rep.)

11 Section 10. The Regulatory Sunset Act is amended by  
12 repealing Section 4.25.

13 Section 15. The Genetic Counselor Licensing Act is amended  
14 by changing Sections 10, 20, 25, 45, 80, 95, 100, 105, 110,  
15 115, 120, 125, 135, 140, 145, 150, 160, 170, and 180 and by  
16 adding Section 190 as follows:

17 (225 ILCS 135/10)

18 (Section scheduled to be repealed on January 1, 2015)

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

20 "ABGC" means the American Board of Genetic Counseling.

1 "ABMG" means the American Board of Medical Genetics.

2 "Active candidate status" is awarded to applicants who have  
3 received approval from the ABGC or ABMG to sit for their  
4 respective certification examinations.

5 "Address of record" means the designated address recorded  
6 by the Department in the applicant's or licensee's application  
7 file or license file as maintained by the Department's  
8 licensure maintenance unit. It is the duty of the applicant or  
9 licensee to inform the Department of any change of address, and  
10 those changes must be made either through the Department's  
11 website or by contacting the Department.

12 "Department" means the Department of Financial and  
13 Professional Regulation.

14 ~~"Director" means the Director of Professional Regulation.~~

15 "Genetic anomaly" means a variation in an individual's DNA  
16 that has been shown to confer a genetically influenced disease  
17 or predisposition to a genetically influenced disease or makes  
18 a person a carrier of such variation. A "carrier" of a genetic  
19 anomaly means a person who may or may not have a predisposition  
20 or risk of incurring a genetically influenced condition and who  
21 is at risk of having offspring with a genetically influenced  
22 condition.

23 "Genetic counseling" means the provision of services,  
24 which may include the ordering of genetic tests, pursuant to a  
25 referral, to individuals, couples, groups, families, and  
26 organizations by one or more appropriately trained individuals

1 to address the physical and psychological issues associated  
2 with the occurrence or risk of occurrence or recurrence of a  
3 genetic disorder, birth defect, disease, or potentially  
4 inherited or genetically influenced condition in an individual  
5 or a family. "Genetic counseling" consists of the following:

6 (A) Estimating the likelihood of occurrence or  
7 recurrence of a birth defect or of any potentially  
8 inherited or genetically influenced condition. This  
9 assessment may involve:

10 (i) obtaining and analyzing a complete health  
11 history of the person and his or her family;

12 (ii) reviewing pertinent medical records;

13 (iii) evaluating the risks from exposure to  
14 possible mutagens or teratogens;

15 (iv) recommending genetic testing or other  
16 evaluations to diagnose a condition or determine the  
17 carrier status of one or more family members;

18 (B) Helping the individual, family, health care  
19 provider, or health care professional (i) appreciate the  
20 medical, psychological and social implications of a  
21 disorder, including its features, variability, usual  
22 course and management options, (ii) learn how genetic  
23 factors contribute to the disorder and affect the chance  
24 for recurrence of the condition in other family members,  
25 and (iii) understand available options for coping with,  
26 preventing, or reducing the chance of occurrence or

1 recurrence of a condition.

2 (C) Facilitating an individual's or family's (i)  
3 exploration of the perception of risk and burden associated  
4 with the disorder and (ii) adjustment and adaptation to the  
5 condition or their genetic risk by addressing needs for  
6 psychological, social, and medical support.

7 "Genetic counselor" means a person licensed under this Act  
8 to engage in the practice of genetic counseling.

9 "Genetic testing" and "genetic test" mean a test or  
10 analysis of human genes, gene products, DNA, RNA, chromosomes,  
11 proteins, or metabolites that detects genotypes, mutations,  
12 chromosomal changes, abnormalities, or deficiencies, including  
13 carrier status, that (i) are linked to physical or mental  
14 disorders or impairments, (ii) indicate a susceptibility to  
15 illness, disease, impairment, or other disorders, whether  
16 physical or mental, or (iii) demonstrate genetic or chromosomal  
17 damage due to environmental factors. "Genetic testing" and  
18 "genetic tests" do not include routine physical measurements;  
19 chemical, blood and urine analyses that are widely accepted and  
20 in use in clinical practice; tests for use of drugs; tests for  
21 the presence of the human immunodeficiency virus; analyses of  
22 proteins or metabolites that do not detect genotypes,  
23 mutations, chromosomal changes, abnormalities, or  
24 deficiencies; or analyses of proteins or metabolites that are  
25 directly related to a manifested disease, disorder, or  
26 pathological condition that could reasonably be detected by a

1 health care professional with appropriate training and  
2 expertise in the field of medicine involved.

3 "Person" means an individual, association, partnership, or  
4 corporation.

5 "Qualified supervisor" means any person who is a licensed  
6 genetic counselor, as defined by rule, or a physician licensed  
7 to practice medicine in all its branches. A qualified  
8 supervisor may be provided at the applicant's place of work, or  
9 may be contracted by the applicant to provide supervision. The  
10 qualified supervisor shall file written documentation with the  
11 Department of employment, discharge, or supervisory control of  
12 a genetic counselor at the time of employment, discharge, or  
13 assumption of supervision of a genetic counselor.

14 "Referral" means a written or telecommunicated  
15 authorization for genetic counseling services from a physician  
16 licensed to practice medicine in all its branches, an advanced  
17 practice nurse who has a collaborative agreement with a  
18 collaborating physician that authorizes referrals to a genetic  
19 counselor, or a physician assistant who has a supervision  
20 agreement with a supervising physician that authorizes  
21 referrals to a genetic counselor.

22 "Secretary" means the Secretary of Financial and  
23 Professional Regulation.

24 "Supervision" means review of aspects of genetic  
25 counseling and case management in a bimonthly meeting with the  
26 person under supervision.

1 (Source: P.A. 96-1313, eff. 7-27-10.)

2 (225 ILCS 135/20)

3 (Section scheduled to be repealed on January 1, 2015)

4 Sec. 20. Restrictions and limitations.

5 (a) ~~Except Beginning 12 months after the adoption of the~~  
6 ~~final administrative rules, except~~ as provided in Section 15,  
7 no person shall, without a valid license as a genetic counselor  
8 issued by the Department (i) in any manner hold himself or  
9 herself out to the public as a genetic counselor under this  
10 Act; (ii) use in connection with his or her name or place of  
11 business the title "genetic counselor", "licensed genetic  
12 counselor", "gene counselor", "genetic consultant", or  
13 "genetic associate" or any words, letters, abbreviations, or  
14 insignia indicating or implying a person has met the  
15 qualifications for or has the license issued under this Act; or  
16 (iii) offer to render or render to individuals, corporations,  
17 or the public genetic counseling services if the words "genetic  
18 counselor" or "licensed genetic counselor" are used to describe  
19 the person offering to render or rendering them, or "genetic  
20 counseling" is used to describe the services rendered or  
21 offered to be rendered.

22 (b) ~~No Beginning 12 months after the adoption of the final~~  
23 ~~administrative rules, no~~ licensed genetic counselor may  
24 provide genetic counseling to individuals, couples, groups, or  
25 families without a referral from a physician licensed to

1 practice medicine in all its branches, an advanced practice  
2 nurse who has a collaborative agreement with a collaborating  
3 physician that authorizes referrals to a genetic counselor, or  
4 a physician assistant who has been delegated authority to make  
5 referrals to genetic counselors. The physician, advanced  
6 practice nurse, or physician assistant shall maintain  
7 supervision of the patient and be provided timely written  
8 reports on the services, including genetic testing results,  
9 provided by the licensed genetic counselor. Genetic testing  
10 shall be ordered by a physician licensed to practice medicine  
11 in all its branches or a genetic counselor pursuant to a  
12 referral that gives the specific authority to order genetic  
13 tests. Genetic test results and reports shall be provided to  
14 the referring physician, advanced practice nurse, or physician  
15 assistant. General seminars or talks to groups or organizations  
16 on genetic counseling that do not include individual, couple,  
17 or family specific counseling may be conducted without a  
18 referral. In clinical settings, genetic counselors who serve as  
19 a liaison between family members of a patient and a genetic  
20 research project, may, with the consent of the patient, provide  
21 information to family members for the purpose of gathering  
22 additional information, as it relates to the patient, without a  
23 referral. In non-clinical settings where no patient is being  
24 treated, genetic counselors who serve as a liaison between a  
25 genetic research project and participants in that genetic  
26 research project may provide information to the participants,



1 without a referral.

2 (c) ~~No Beginning 12 months after the adoption of the final~~  
3 ~~administrative rules, no~~ association or partnership shall  
4 practice genetic counseling unless every member, partner, and  
5 employee of the association or partnership who practices  
6 genetic counseling or who renders genetic counseling services  
7 holds a valid license issued under this Act. No license shall  
8 be issued to a corporation, the stated purpose of which  
9 includes or which practices or which holds itself out as  
10 available to practice genetic counseling, unless it is  
11 organized under the Professional Service Corporation Act.

12 (d) Nothing in this Act shall be construed as permitting  
13 persons licensed as genetic counselors to engage in any manner  
14 in the practice of medicine in all its branches as defined by  
15 law in this State.

16 (e) Nothing in this Act shall be construed to authorize a  
17 licensed genetic counselor to diagnose, test (unless  
18 authorized in a referral), or treat any genetic or other  
19 disease or condition.

20 (f) When, in the course of providing genetic counseling  
21 services to any person, a genetic counselor licensed under this  
22 Act finds any indication of a disease or condition that in his  
23 or her professional judgment requires professional service  
24 outside the scope of practice as defined in this Act, he or she  
25 shall refer that person to a physician licensed to practice  
26 medicine in all of its branches.

1 (Source: P.A. 96-1313, eff. 7-27-10.)

2 (225 ILCS 135/25)

3 (Section scheduled to be repealed on January 1, 2015)

4 Sec. 25. Unlicensed practice; violation; civil penalty.

5 (a) ~~Any Beginning 12 months after the adoption of the final~~  
6 ~~administrative rules, any~~ person who practices, offers to  
7 practice, attempts to practice, or holds himself or herself out  
8 to practice as a genetic counselor without being licensed or  
9 exempt under this Act shall, in addition to any other penalty  
10 provided by law, pay a civil penalty to the Department in an  
11 amount not to exceed \$10,000 ~~\$5,000~~ for each offense, as  
12 determined by the Department. Civil penalty shall be assessed  
13 by the Department after a hearing is held in accordance with  
14 the provisions set forth in this Act regarding the provision of  
15 a hearing for the discipline of a licensee.

16 (b) The Department may investigate any actual, alleged, or  
17 suspected unlicensed activity.

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

23 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

24 (225 ILCS 135/45)

1 (Section scheduled to be repealed on January 1, 2015)

2 Sec. 45. Social Security Number on license application. In  
3 addition to any other information required to be contained in  
4 the application, every application for an original license  
5 under this Act shall include the applicant's Social Security  
6 Number, which shall be retained in the agency's records  
7 pertaining to the license. As soon as practical, the Department  
8 shall assign a customer's identification number to each  
9 applicant for a license.

10 Every application for a renewal, reinstated, or restored  
11 license shall require the applicant's customer identification  
12 number.

13 (Source: P.A. 97-400, eff. 1-1-12.)

14 (225 ILCS 135/80)

15 (Section scheduled to be repealed on January 1, 2015)

16 Sec. 80. Checks or orders dishonored. Any person who issues  
17 or delivers a check or other order to the Department that is  
18 returned to the Department unpaid by the financial institution  
19 upon which it is drawn shall pay to the Department, in addition  
20 to the amount already owed to the Department, a fine of \$50.  
21 The fines imposed by this Section are in addition to any other  
22 discipline provided under this Act prohibiting unlicensed  
23 practice or practice on a nonrenewed license. The Department  
24 shall notify the person that payment of fees and fines shall be  
25 paid to the Department by certified check or money order within

1 30 calendar days after notification. If, after the expiration  
2 of 30 days from the date of the notification, the person has  
3 failed to submit the necessary remittance, the Department shall  
4 automatically terminate the license or certification or deny  
5 the application, without hearing. If, after termination or  
6 denial, the person seeks a license or certificate, he or she  
7 shall apply to the Department for restoration or issuance of  
8 the license or certificate and pay all fees and fines due to  
9 the Department. The Department may establish a fee for the  
10 processing of an application for restoration of a license to  
11 pay all costs and expenses of processing of this application.  
12 The Secretary ~~Director~~ may waive the fines due under this  
13 Section in individual cases where the Secretary ~~Director~~ finds  
14 that the fines would be unnecessarily burdensome.

15 (Source: P.A. 93-1041, eff. 9-29-04.)

16 (225 ILCS 135/95)

17 (Section scheduled to be repealed on January 1, 2015)

18 Sec. 95. Grounds for discipline.

19 (a) The Department may refuse to issue, renew, or may  
20 revoke, suspend, place on probation, reprimand, or take other  
21 disciplinary or non-disciplinary action as the Department  
22 deems appropriate, including the issuance of fines not to  
23 exceed \$10,000 ~~\$1,000~~ for each violation, with regard to any  
24 license for any one or more of the following:

25 (1) Material misstatement in furnishing information to

1 the Department or to any other State agency.

2 (2) Violations or negligent or intentional disregard  
3 of this Act, or any of its rules.

4 (3) Conviction by plea of guilty or nolo contendere,  
5 finding of guilt, jury verdict, or entry of judgment or  
6 sentencing, including, but not limited to, convictions,  
7 preceding sentences of supervision, conditional discharge,  
8 or first offender probation, under the laws of any  
9 jurisdiction of the United States: (i) that is a felony or  
10 (ii) that is a misdemeanor, an essential element of which  
11 is dishonesty, or that is directly related to the practice  
12 of genetic counseling. Conviction of any crime under the  
13 laws of the United States or any state or territory thereof  
14 that is a felony, a misdemeanor, an essential element of  
15 which is dishonesty, or a crime that is directly related to  
16 the practice of the profession.

17 (4) Making any misrepresentation for the purpose of  
18 obtaining a license, or violating any provision of this Act  
19 or its rules.

20 (5) Negligence ~~Gross negligence~~ in the rendering of  
21 genetic counseling services.

22 (6) Failure to provide genetic testing results and any  
23 requested information to a referring physician licensed to  
24 practice medicine in all its branches, advanced practice  
25 nurse, or physician assistant.

26 (7) Aiding or assisting another person in violating any

1 provision of this Act or any rules.

2 (8) Failing to provide information within 60 days in  
3 response to a written request made by the Department.

4 (9) Engaging in dishonorable, unethical, or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud, or harm the public and violating the rules of  
7 professional conduct adopted by the Department.

8 (10) Failing to maintain the confidentiality of any  
9 information received from a client, unless otherwise  
10 authorized or required by law.

11 (10.5) Failure to maintain client records of services  
12 provided and provide copies to clients upon request.

13 (11) Exploiting a client for personal advantage,  
14 profit, or interest.

15 (12) Habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 which results in inability to practice with reasonable  
18 skill, judgment, or safety.

19 (13) Discipline by another governmental agency or unit  
20 of government, by any jurisdiction of the United States, or  
21 by a foreign nation jurisdiction, if at least one of the  
22 grounds for the discipline is the same or substantially  
23 equivalent to those set forth in this Section.

24 (14) Directly or indirectly giving to or receiving from  
25 any person, firm, corporation, partnership, or association  
26 any fee, commission, rebate, or other form of compensation

1 for any professional service not actually rendered.  
2 Nothing in this paragraph (14) affects any bona fide  
3 independent contractor or employment arrangements among  
4 health care professionals, health facilities, health care  
5 providers, or other entities, except as otherwise  
6 prohibited by law. Any employment arrangements may include  
7 provisions for compensation, health insurance, pension, or  
8 other employment benefits for the provision of services  
9 within the scope of the licensee's practice under this Act.  
10 Nothing in this paragraph (14) shall be construed to  
11 require an employment arrangement to receive professional  
12 fees for services rendered.

13 (15) A finding by the Department that the licensee,  
14 after having the license placed on probationary status has  
15 violated the terms of probation.

16 (16) Failing to refer a client to other health care  
17 professionals when the licensee is unable or unwilling to  
18 adequately support or serve the client.

19 (17) Willfully filing false reports relating to a  
20 licensee's practice, including but not limited to false  
21 records filed with federal or State agencies or  
22 departments.

23 (18) Willfully failing to report an instance of  
24 suspected child abuse or neglect as required by the Abused  
25 and Neglected Child Reporting Act.

26 (19) Being named as a perpetrator in an indicated

1 report by the Department of Children and Family Services  
2 pursuant to the Abused and Neglected Child Reporting Act,  
3 and upon proof by clear and convincing evidence that the  
4 licensee has caused a child to be an abused child or  
5 neglected child as defined in the Abused and Neglected  
6 Child Reporting Act.

7 (20) Physical or mental disability, including  
8 deterioration through the aging process or loss of  
9 abilities and skills which results in the inability to  
10 practice the profession with reasonable judgment, skill,  
11 or safety.

12 (21) Solicitation of professional services by using  
13 false or misleading advertising.

14 (22) Failure to file a return, or to pay the tax,  
15 penalty of interest shown in a filed return, or to pay any  
16 final assessment of tax, penalty or interest, as required  
17 by any tax Act administered by the Illinois Department of  
18 Revenue or any successor agency or the Internal Revenue  
19 Service or any successor agency.

20 (23) Fraud or making any misrepresentation in applying  
21 for or procuring a license under this Act or in connection  
22 with applying for renewal of a license under this Act. A  
23 ~~finding that licensure has been applied for or obtained by~~  
24 ~~fraudulent means.~~

25 (24) Practicing or attempting to practice under a name  
26 other than the full name as shown on the license or any



1 other legally authorized name.

2 (25) Gross overcharging for professional services,  
3 including filing statements for collection of fees or  
4 monies for which services are not rendered.

5 (26) Providing genetic counseling services to  
6 individuals, couples, groups, or families without a  
7 referral from either a physician licensed to practice  
8 medicine in all its branches, an advanced practice nurse  
9 who has a collaborative agreement with a collaborating  
10 physician that authorizes the advanced practice nurse to  
11 make referrals to a genetic counselor, or a physician  
12 assistant who has been delegated authority to make  
13 referrals to genetic counselors.

14 (27) Charging for professional services not rendered,  
15 including filing false statements for the collection of  
16 fees for which services are not rendered.

17 (28) Allowing one's license under this Act to be used  
18 by an unlicensed person in violation of this Act.

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

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

1 to involuntary admission or judicial admission as provided in  
2 the Mental Health and Developmental Disabilities Code will  
3 result in an automatic suspension of his or her license. The  
4 suspension will end upon a finding by a court that the licensee  
5 is no longer subject to involuntary admission or judicial  
6 admission, the issuance of an order so finding and discharging  
7 the patient, and the determination of the Secretary ~~Director~~  
8 that the licensee be allowed to resume professional practice.

9 (d) The Department may refuse to issue or renew or may  
10 suspend without hearing the license of any person who fails to  
11 file a return, to pay the tax penalty or interest shown in a  
12 filed return, or to pay any final assessment of the tax,  
13 penalty, or interest as required by any Act regarding the  
14 payment of taxes administered by the Illinois Department of  
15 Revenue until the requirements of the Act are satisfied in  
16 accordance with subsection (g) of Section 2105-15 of the Civil  
17 Administrative Code of Illinois.

18 (e) In cases where the Department of Healthcare and Family  
19 Services has previously determined that a licensee or a  
20 potential licensee is more than 30 days delinquent in the  
21 payment of child support and has subsequently certified the  
22 delinquency to the Department, the Department may refuse to  
23 issue or renew or may revoke or suspend that person's license  
24 or may take other disciplinary action against that person based  
25 solely upon the certification of delinquency made by the  
26 Department of Healthcare and Family Services in accordance with

1 item (5) of subsection (a) of Section 2105-15 of the Department  
2 of Professional Regulation Law of the Civil Administrative Code  
3 of Illinois.

4 (f) All fines or costs imposed under this Section shall be  
5 paid within 60 days after the effective date of the order  
6 imposing the fine or costs or in accordance with the terms set  
7 forth in the order imposing the fine.

8 (Source: P.A. 96-1313, eff. 7-27-10; 96-1482, eff. 11-29-10;  
9 97-813, eff. 7-13-12.)

10 (225 ILCS 135/100)

11 (Section scheduled to be repealed on January 1, 2015)

12 Sec. 100. Violations; injunction; cease and desist order.

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

1 remedies and penalties provided by this Act.

2 (b) If any person holds himself or herself out as being a  
3 licensed genetic counselor under this Act and is not licensed  
4 to do so, then any licensed genetic counselor, interested  
5 party, or any person injured thereby may petition for relief as  
6 provided in subsection (a) of this Section.

7 (c) Whenever, in the opinion of the Department, a person  
8 violates any provision of this Act, the Department may issue a  
9 rule to show cause why an order to cease and desist should not  
10 be entered against that person. The rule shall clearly set  
11 forth the grounds relied upon by the Department and shall allow  
12 at least 7 days from the date of the rule to file an answer  
13 satisfactory to the Department. Failure to answer to the  
14 satisfaction of the Department shall cause an order to cease  
15 and desist to be issued.

16 (Source: P.A. 93-1041, eff. 9-29-04.)

17 (225 ILCS 135/105)

18 (Section scheduled to be repealed on January 1, 2015)

19 Sec. 105. Investigations; notice and hearing. The  
20 Department may investigate the actions of any applicant or any  
21 person holding or claiming to hold a license. The Department  
22 shall, before revoking, suspending, placing on probation,  
23 reprimanding, or taking any other disciplinary action under  
24 Section 95 of this Act, at least 30 days prior to the date set  
25 for the hearing, (i) notify the accused, in writing, of any

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

22 (Source: P.A. 93-1041, eff. 9-29-04.)

23 (225 ILCS 135/110)

24 (Section scheduled to be repealed on January 1, 2015)

25 Sec. 110. Record of proceedings; transcript. The

1 Department, at its expense, shall preserve a record of all  
2 proceedings at the formal hearing of any case. ~~The notice of~~  
3 ~~hearing, complaint, all other documents in the nature of~~  
4 ~~pleadings, written motions filed in the proceedings, the~~  
5 ~~transcript of testimony, the report of the hearing officer and~~  
6 ~~orders of the Department shall be in the record of such~~  
7 ~~proceeding. The Department shall furnish a transcript of the~~  
8 ~~record to any person interested in the hearing upon payment of~~  
9 ~~the fee required under Section 2105-115 of the Department of~~  
10 ~~Professional Regulation Law of the Civil Administrative Code of~~  
11 ~~Illinois.~~

12 (Source: P.A. 93-1041, eff. 9-29-04.)

13 (225 ILCS 135/115)

14 (Section scheduled to be repealed on January 1, 2015)

15 Sec. 115. Subpoenas; depositions; oaths. The Department  
16 may ~~has the power to~~ subpoena and ~~to~~ bring before it any person  
17 in this State and ~~to~~ take the oral or written testimony or  
18 compel the production of any books, papers, records, or any  
19 other documents that the Secretary or his or her designee deems  
20 relevant or material to any investigation or hearing conducted  
21 by the Department ~~either orally or by deposition, or both,~~ with  
22 the same fees and mileage and in the same manner as prescribed  
23 in civil cases in the courts of this State. The Secretary, the  
24 shorthand court reporter, Director and the designated hearing  
25 officer may ~~has the power to~~ administer oaths ~~to witnesses~~ at

1 any hearing which the Department conducts ~~is authorized to~~  
2 ~~conduct, and any other oaths authorized in any Act administered~~  
3 ~~by the Department.~~ Notwithstanding any other statute or  
4 Department rule to the contrary, all requests for testimony and  
5 for the production of documents or records shall be in  
6 accordance with this Act.

7 (Source: P.A. 93-1041, eff. 9-29-04.)

8 (225 ILCS 135/120)

9 (Section scheduled to be repealed on January 1, 2015)

10 Sec. 120. Compelling testimony. Any court, upon  
11 application of the Department, designated hearing officer, or  
12 the applicant or licensee against whom proceedings under  
13 Section 95 of this Act are pending, may ~~enter an~~ order  
14 ~~requiring~~ the attendance and testimony of witnesses ~~and their~~  
15 ~~testimony~~ and the production of relevant documents, papers,  
16 files, books, and records in connection with any hearing or  
17 investigation. The court may compel obedience to its order by  
18 proceedings for contempt.

19 (Source: P.A. 93-1041, eff. 9-29-04.)

20 (225 ILCS 135/125)

21 (Section scheduled to be repealed on January 1, 2015)

22 Sec. 125. Findings and recommendations. At the conclusion  
23 of the hearing, the hearing officer shall present to the  
24 Secretary ~~Director~~ a written report of its findings of fact,

1 conclusions of law, and recommendations. The report shall  
2 contain a finding whether the licensee violated this Act or  
3 failed to comply with the conditions required in this Act. The  
4 hearing officer shall specify the nature of the violation or  
5 failure to comply, and shall make its recommendations to the  
6 Secretary ~~Director~~. The report of findings of fact, conclusions  
7 of law, and recommendation of the hearing officer shall be the  
8 basis for the Department's order for refusing to issue,  
9 restore, or renew a license, or for otherwise disciplining a  
10 licensee ~~refusal or for the granting of the license~~. If the  
11 Secretary ~~Director~~ disagrees with the recommendations of the  
12 hearing officer, the Secretary ~~Director~~ may issue an order in  
13 contravention of the hearing officer's recommendations. The  
14 finding is not admissible in evidence against the person in a  
15 criminal prosecution brought for the violation of this Act, but  
16 the hearing and findings are not a bar to a criminal  
17 prosecution brought for the violation of this Act.

18 (Source: P.A. 93-1041, eff. 9-29-04.)

19 (225 ILCS 135/135)

20 (Section scheduled to be repealed on January 1, 2015)

21 Sec. 135. Secretary ~~Director~~; rehearing. Whenever the  
22 Secretary ~~Director~~ believes justice has not been done in the  
23 revocation, suspension, or refusal to issue or renew a license  
24 or the discipline of a licensee, he or she may order a  
25 rehearing.



1 (Source: P.A. 93-1041, eff. 9-29-04.)

2 (225 ILCS 135/140)

3 (Section scheduled to be repealed on January 1, 2015)

4 Sec. 140. Appointment of a hearing officer. The Secretary  
5 ~~Director~~ has the authority to appoint any attorney licensed to  
6 practice law in the State of Illinois to serve as the hearing  
7 officer in any action for refusal to issue or renew a license  
8 or permit or to discipline a licensee. The hearing officer has  
9 full authority to conduct the hearing. The hearing officer  
10 shall report his findings of fact, conclusions of law, and  
11 recommendations to the Secretary ~~Director~~.

12 (Source: P.A. 93-1041, eff. 9-29-04.)

13 (225 ILCS 135/145)

14 (Section scheduled to be repealed on January 1, 2015)

15 Sec. 145. Order or certified copy; prima facie proof. An  
16 order or certified copy thereof, over the seal of the  
17 Department and purporting to be signed by the Secretary  
18 ~~Director~~, is prima facie proof that:

19 (1) the signature is the genuine signature of the  
20 Secretary ~~Director~~; and

21 (2) the Secretary ~~Director~~ is duly appointed and  
22 qualified.

23 (Source: P.A. 93-1041, eff. 9-29-04.)

1 (225 ILCS 135/150)

2 (Section scheduled to be repealed on January 1, 2015)

3 Sec. 150. Restoration of license from discipline ~~suspended~~  
4 ~~or revoked license~~. At any time after the successful completion  
5 of a term of indefinite probation, suspension, or revocation of  
6 a license, the Department may restore the license to active  
7 status, unless, after an investigation and a hearing, the  
8 Secretary determines that restoration is not in the public  
9 interest. No person whose license has been revoked as  
10 authorized in this Act may apply for restoration of that  
11 license until such time as provided for in the Civil  
12 Administrative Code of Illinois. ~~At any time after the~~  
13 ~~suspension or revocation of any license, the Department may~~  
14 ~~restore it to the licensee, unless after an investigation and~~  
15 ~~hearing the Director determines that restoration is not in the~~  
16 ~~public interest.~~

17 (Source: P.A. 93-1041, eff. 9-29-04.)

18 (225 ILCS 135/160)

19 (Section scheduled to be repealed on January 1, 2015)

20 Sec. 160. Summary suspension of license. The Secretary  
21 ~~Director~~ may summarily suspend the license of a genetic  
22 counselor without a hearing, simultaneously with the  
23 institution of proceedings for a hearing provided for in  
24 Section 105 of this Act, if the Secretary ~~Director~~ finds that  
25 the evidence in the possession of the Director indicates that

1 the continuation of practice by the genetic counselor would  
2 constitute an imminent danger to the public. In the event that  
3 the Secretary ~~Director~~ summarily suspends the license of an  
4 individual without a hearing, a hearing must be held within 30  
5 days after the suspension has occurred and shall be concluded  
6 as expeditiously as possible.

7 (Source: P.A. 93-1041, eff. 9-29-04.)

8 (225 ILCS 135/170)

9 (Section scheduled to be repealed on January 1, 2015)

10 Sec. 170. Certification of record; costs. The Department  
11 shall not be required to certify any record to the court, to  
12 file an answer in court, or to otherwise appear in any court in  
13 a judicial review proceeding, unless and until the Department  
14 has received from the plaintiff there is filed in the court,  
15 ~~with the complaint, a receipt from the Department acknowledging~~  
16 ~~payment of the costs of furnishing and certifying the record,~~  
17 which costs shall be determined by the Department. Failure on  
18 the part of the plaintiff to file the receipt in court is  
19 grounds for dismissal of the action.

20 (Source: P.A. 93-1041, eff. 9-29-04.)

21 (225 ILCS 135/180)

22 (Section scheduled to be repealed on January 1, 2015)

23 Sec. 180. Administrative Procedure Act; application. The  
24 Illinois Administrative Procedure Act is hereby expressly

1 adopted and incorporated in this Act as if all of the  
2 provisions of such Act were included in this Act, except that  
3 the provision of paragraph (d) of Section 10-65 of the Illinois  
4 Administrative Procedure Act, which provides that at hearings  
5 the license holder has the right to show compliance with all  
6 lawful requirements for retention, continuation, or renewal of  
7 the certificate, is specifically excluded. For the purpose of  
8 this Act the notice required under Section 10-25 of the  
9 Illinois Administrative Procedure Act is deemed sufficient  
10 when mailed to the last known address of a party or the address  
11 of record.

12 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

13 (225 ILCS 135/190 new)

14 Sec. 190. Confidentiality. All information collected by  
15 the Department in the course of an examination or investigation  
16 of a licensee or applicant, including, but not limited to, any  
17 complaint against a licensee filed with the Department and  
18 information collected to investigate any such complaint, shall  
19 be maintained for the confidential use of the Department and  
20 shall not be disclosed. The Department shall not disclose the  
21 information to anyone other than law enforcement officials,  
22 regulatory agencies that have an appropriate regulatory  
23 interest as determined by the Secretary, or a party presenting  
24 a lawful subpoena to the Department. Information and documents  
25 disclosed to a federal, State, county, or local law enforcement

1 agency shall not be disclosed by the agency for any purpose to  
2 any other agency or person. A formal complaint filed against a  
3 licensee or registrant by the Department or any other complaint  
4 issued by the Department against a licensee, registrant, or  
5 applicant shall be a public record, except as otherwise  
6 prohibited by law.

1	INDEX
2	Statutes amended in order of appearance
3	5 ILCS 80/4.35 new
4	5 ILCS 80/4.25 rep.
5	225 ILCS 135/10
6	225 ILCS 135/20
7	225 ILCS 135/25
8	225 ILCS 135/45
9	225 ILCS 135/80
10	225 ILCS 135/95
11	225 ILCS 135/100
12	225 ILCS 135/105
13	225 ILCS 135/110
14	225 ILCS 135/115
15	225 ILCS 135/120
16	225 ILCS 135/125
17	225 ILCS 135/135
18	225 ILCS 135/140
19	225 ILCS 135/145
20	225 ILCS 135/150
21	225 ILCS 135/160
22	225 ILCS 135/170
23	225 ILCS 135/180
24	225 ILCS 135/190 new