



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4060

by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Adds a definition for "address of record". Changes the definition of "Department" to mean the Division of Professional Regulation of the Department of Financial and Professional Regulation. Makes changes in provisions concerning the powers and duties of the Department, including requiring the Department post a monthly disciplinary report on its website (was, issue a monthly disciplinary report) and providing that certain actions to deny, suspend, or revoke licenses may be done without further process or hearings. Removes some obsolete language. Specifies that disciplinary actions under the Act may include reprimands or fines. Provides that discovery or evidence depositions shall not be taken, except by agreement of the Department and registrant. Provides that the Department may contract for court reporting services. Makes changes in provisions concerning witnesses, reports, restoration of certificates, reexaminations, index of formal decisions regarding disciplinary actions, publication of disciplinary actions, and emergency powers. Adds provisions concerning confidentiality of information collected by the Department. Removes provisions regarding board member compensation. Repeals language regarding licensing exemption related to the 2016 Olympic and Paralympic Games. Changes cross-references in various professional licensing Acts.

LRB099 09514 AMC 29722 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 Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-5, 2105-15, 2105-100, 2105-105,
7 2105-110, 2105-115, 2105-117, 2105-120, 2105-125, 2105-130,
8 2105-175, 2105-200, 2105-205, 2105-300, 2105-325, and 2105-400
9 as follows:

10 (20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

11 Sec. 2105-5. Definitions. ~~(a)~~ In this Law:

12 "Address of record" means the designated address recorded
13 by the Department in the applicant's application file or the
14 licensee's license file, as maintained by the Department's
15 licensure maintenance unit.

16 "Department" means the Division of Professional Regulation
17 of the Department of Financial and Professional Regulation. Any
18 reference in this Article to the "Department of Professional
19 Regulation" shall be deemed to mean the "Division of
20 Professional Regulation of the Department of Financial and
21 Professional Regulation".

22 "Director" means the Director of Professional Regulation.

23 ~~(b) In the construction of this Section and Sections~~

1 ~~2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120,~~
2 ~~2105-125, 2105-175, and 2105-325, the following definitions~~
3 ~~shall govern unless the context otherwise clearly indicates:~~

4 "Board" means the board of persons designated for a
5 profession, trade, or occupation under the provisions of any
6 Act now or hereafter in force whereby the jurisdiction of that
7 profession, trade, or occupation is devolved on the Department.

8 "Certificate" means a license, certificate of
9 registration, permit, or other authority purporting to be
10 issued or conferred by the Department by virtue or authority of
11 which the registrant has or claims the right to engage in a
12 profession, trade, occupation, or operation of which the
13 Department has jurisdiction.

14 "Registrant" means a person who holds or claims to hold a
15 certificate.

16 "Retiree" means a person who has been duly licensed,
17 registered, or certified in a profession regulated by the
18 Department and who chooses to relinquish or not renew his or
19 her license, registration, or certification.

20 (Source: P.A. 94-452, eff. 1-1-06.)

21 (20 ILCS 2105/2105-15)

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

23 (a) The Department has, subject to the provisions of the
24 Civil Administrative Code of Illinois, the following powers and
25 duties:

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

5 (2) To prescribe rules and regulations for a fair and
6 wholly impartial method of examination of candidates to
7 exercise the respective professions, trades, or
8 occupations.

9 (3) To pass upon the qualifications of applicants for
10 licenses, certificates, and authorities, whether by
11 examination, by reciprocity, or by endorsement.

12 (4) To prescribe rules and regulations defining, for
13 the respective professions, trades, and occupations, what
14 shall constitute a school, college, or university, or
15 department of a university, or other institution,
16 reputable and in good standing, and to determine the
17 reputability and good standing of a school, college, or
18 university, or department of a university, or other
19 institution, reputable and in good standing, by reference
20 to a compliance with those rules and regulations; provided,
21 that no school, college, or university, or department of a
22 university, or other institution that refuses admittance
23 to applicants solely on account of race, color, creed, sex,
24 sexual orientation, or national origin shall be considered
25 reputable and in good standing.

26 (5) To conduct hearings on proceedings to revoke,

1 suspend, refuse to renew, place on probationary status,
2 fine, or take other disciplinary action as authorized in
3 any licensing Act administered by the Department with
4 regard to licenses, certificates, or authorities of
5 persons exercising the respective professions, trades, or
6 occupations and to revoke, suspend, refuse to renew, place
7 on probationary status, fine, or take other disciplinary
8 action as authorized in any licensing Act administered by
9 the Department with regard to those licenses,
10 certificates, or authorities.

11 (6) The Department shall post ~~issue~~ a monthly
12 disciplinary report on its website.

13 (7) Notwithstanding anything that may appear in any
14 individual licensing Act or administrative rule, the ~~The~~
15 Department, without further process or hearings, shall
16 deny any license or renewal authorized by the Civil
17 Administrative Code of Illinois to any person who has
18 defaulted on an educational loan or scholarship provided by
19 or guaranteed by the Illinois Student Assistance
20 Commission or any governmental agency of this State;
21 however, the Department may issue a license or renewal if
22 the aforementioned persons have established a satisfactory
23 repayment record as determined by the Illinois Student
24 Assistance Commission or other appropriate governmental
25 agency of this State. Additionally, ~~beginning June 1, 1996,~~
26 any license issued by the Department may be suspended or

1 revoked, without further process or hearings, if the
2 Department receives certification from the Illinois
3 Student Assistance Commission or other appropriate
4 governmental agency of this State , ~~after the opportunity~~
5 ~~for a hearing under the appropriate licensing Act, finds~~
6 that the licensee has failed to make satisfactory repayment
7 to the Illinois Student Assistance Commission or other
8 appropriate governmental agency of this State for a
9 delinquent or defaulted loan. For the purposes of this
10 Section, "satisfactory repayment record" shall be
11 determined by the Illinois Student Assistance Commission
12 or other appropriate governmental agency of this State
13 ~~defined by rule.~~

14 (8) Notwithstanding anything that may appear in any
15 individual licensing Act or administrative rule, the ~~The~~
16 Department, without further process or hearings, shall
17 refuse to issue or renew a license to, or shall suspend or
18 revoke a license of, any person who, after receiving
19 notice, fails to comply with a subpoena or warrant relating
20 to a paternity or child support proceeding. However, the
21 Department may issue a license or renewal upon compliance
22 with the subpoena or warrant.

23 (9) Notwithstanding anything that may appear in any
24 individual licensing Act or administrative rule, the ~~The~~
25 Department, without further process or hearings, shall
26 revoke, suspend, or deny any license or renewal authorized

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

21 (10) ~~(6)~~ To transfer jurisdiction of any realty under
22 the control of the Department to any other department of
23 the State Government or to acquire or accept federal lands
24 when the transfer, acquisition, or acceptance is
25 advantageous to the State and is approved in writing by the
26 Governor.

1 (11) ~~(7)~~ To formulate rules and regulations necessary
2 for the enforcement of any Act administered by the
3 Department.

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

20 (13) ~~(8.5)~~ To accept continuing education credit for
21 mandated reporter training on how to recognize and report
22 child abuse offered by the Department of Children and
23 Family Services and completed by any person who holds a
24 professional license issued by the Department and who is a
25 mandated reporter under the Abused and Neglected Child
26 Reporting Act. The Department shall adopt any rules

1 necessary to implement this paragraph.

2 (14) ~~(9)~~ To perform other duties prescribed by law.

3 (a-5) Except in cases involving default on an educational
4 loan or scholarship provided by or guaranteed by the Illinois
5 Student Assistance Commission or any governmental agency of
6 this State or in cases involving delinquency in complying with
7 a child support order or violation of the Non-Support
8 Punishment Act and notwithstanding anything that may appear in
9 any individual licensing Act or administrative rule, no person
10 or entity whose license, certificate, or authority has been
11 revoked as authorized in any licensing Act administered by the
12 Department may apply for restoration of that license,
13 certification, or authority until 3 years after the effective
14 date of the revocation.

15 (b) The Department may, when a fee is payable to the
16 Department for a wall certificate of registration provided by
17 the Department of Central Management Services, require that
18 portion of the payment for printing and distribution costs be
19 made directly or through the Department to the Department of
20 Central Management Services for deposit into the Paper and
21 Printing Revolving Fund. The remainder shall be deposited into
22 the General Revenue Fund.

23 (c) For the purpose of securing and preparing evidence, and
24 for the purchase of controlled substances, professional
25 services, and equipment necessary for enforcement activities,
26 recoupment of investigative costs, and other activities

1 directed at suppressing the misuse and abuse of controlled
2 substances, including those activities set forth in Sections
3 504 and 508 of the Illinois Controlled Substances Act, the
4 Director and agents appointed and authorized by the Director
5 may expend sums from the Professional Regulation Evidence Fund
6 that the Director deems necessary from the amounts appropriated
7 for that purpose. Those sums may be advanced to the agent when
8 the Director deems that procedure to be in the public interest.
9 Sums for the purchase of controlled substances, professional
10 services, and equipment necessary for enforcement activities
11 and other activities as set forth in this Section shall be
12 advanced to the agent who is to make the purchase from the
13 Professional Regulation Evidence Fund on vouchers signed by the
14 Director. The Director and those agents are authorized to
15 maintain one or more commercial checking accounts with any
16 State banking corporation or corporations organized under or
17 subject to the Illinois Banking Act for the deposit and
18 withdrawal of moneys to be used for the purposes set forth in
19 this Section; provided, that no check may be written nor any
20 withdrawal made from any such account except upon the written
21 signatures of 2 persons designated by the Director to write
22 those checks and make those withdrawals. Vouchers for those
23 expenditures must be signed by the Director. All such
24 expenditures shall be audited by the Director, and the audit
25 shall be submitted to the Department of Central Management
26 Services for approval.

1 (d) Whenever the Department is authorized or required by
2 law to consider some aspect of criminal history record
3 information for the purpose of carrying out its statutory
4 powers and responsibilities, then, upon request and payment of
5 fees in conformance with the requirements of Section 2605-400
6 of the Department of State Police Law (20 ILCS 2605/2605-400),
7 the Department of State Police is authorized to furnish,
8 pursuant to positive identification, the information contained
9 in State files that is necessary to fulfill the request.

10 (e) The provisions of this Section do not apply to private
11 business and vocational schools as defined by Section 15 of the
12 Private Business and Vocational Schools Act of 2012.

13 (f) (Blank). ~~Beginning July 1, 1995, this Section does not~~
14 ~~apply to those professions, trades, and occupations licensed~~
15 ~~under the Real Estate License Act of 2000, nor does it apply to~~
16 ~~any permits, certificates, or other authorizations to do~~
17 ~~business provided for in the Land Sales Registration Act of~~
18 ~~1989 or the Illinois Real Estate Time Share Act.~~

19 (g) Notwithstanding anything that may appear in any
20 individual licensing statute or administrative rule, the
21 Department shall deny any license application or renewal
22 authorized under any licensing Act administered by the
23 Department to any person who has failed to file a return, or to
24 pay the tax, penalty, or interest shown in a filed return, or
25 to pay any final assessment of tax, penalty, or interest, as
26 required by any tax Act administered by the Illinois Department

1 of Revenue, until such time as the requirement of any such tax
2 Act are satisfied; however, the Department may issue a license
3 or renewal if the person has established a satisfactory
4 repayment record as determined by the Illinois Department of
5 Revenue. For the purpose of this Section, "satisfactory
6 repayment record" shall be defined by rule.

7 In addition, a complaint filed with the Department by the
8 Illinois Department of Revenue that includes a certification,
9 signed by its Director or designee, attesting to the amount of
10 the unpaid tax liability or the years for which a return was
11 not filed, or both, is prima facie evidence of the licensee's
12 failure to comply with the tax laws administered by the
13 Illinois Department of Revenue. Upon receipt of that
14 certification, the Department shall, without a hearing,
15 immediately suspend all licenses held by the licensee.
16 Enforcement of the Department's order shall be stayed for 60
17 days. The Department shall provide notice of the suspension to
18 the licensee by mailing a copy of the Department's order by
19 certified and regular mail to the licensee's last known address
20 as registered with the Department. The notice shall advise the
21 licensee that the suspension shall be effective 60 days after
22 the issuance of the Department's order unless the Department
23 receives, from the licensee, a request for a hearing before the
24 Department to dispute the matters contained in the order.

25 Any suspension imposed under this subsection (g) shall be
26 terminated by the Department upon notification from the

1 Illinois Department of Revenue that the licensee is in
2 compliance with all tax laws administered by the Illinois
3 Department of Revenue.

4 The Department may ~~shall~~ promulgate rules for the
5 administration of this subsection (g).

6 (h) The Department may grant the title "Retired", to be
7 used immediately adjacent to the title of a profession
8 regulated by the Department, to eligible retirees. The use of
9 the title "Retired" shall not constitute representation of
10 current licensure, registration, or certification. Any person
11 without an active license, registration, or certificate in a
12 profession that requires licensure, registration, or
13 certification shall not be permitted to practice that
14 profession.

15 (i) Within 180 days after December 23, 2009 (the effective
16 date of Public Act 96-852), the Department shall promulgate
17 rules which permit a person with a criminal record, who seeks a
18 license or certificate in an occupation for which a criminal
19 record is not expressly a per se bar, to apply to the
20 Department for a non-binding, advisory opinion to be provided
21 by the Board or body with the authority to issue the license or
22 certificate as to whether his or her criminal record would bar
23 the individual from the licensure or certification sought,
24 should the individual meet all other licensure requirements
25 including, but not limited to, the successful completion of the
26 relevant examinations.

1 (Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14;
2 98-850, eff. 1-1-15.)

3 (20 ILCS 2105/2105-100) (was 20 ILCS 2105/60c)

4 Sec. 2105-100. Disciplinary action with respect to
5 certificates; notice citation; hearing.

6 (a) Certificates may be revoked, suspended, placed on
7 probationary status, reprimanded, fined, or have other
8 disciplinary action taken with regard to them as authorized in
9 any licensing Act administered by the Department in the manner
10 provided by the Civil Administrative Code of Illinois and not
11 otherwise.

12 (b) The Department may upon its own motion and shall upon
13 the verified complaint in writing of any person, provided the
14 complaint or the complaint together with evidence, documentary
15 or otherwise, presented in connection with the complaint makes
16 a prima facie case, investigate the actions of any person
17 holding or claiming to hold a certificate.

18 (c) Before suspending, revoking, placing on probationary
19 status, reprimanding, fining, or taking any other disciplinary
20 action that may be authorized in any licensing Act administered
21 by the Department with regard to any certificate, the
22 Department shall issue a notice informing ~~citation notifying~~
23 the registrant of the time and place when and where a hearing
24 of the charges shall be had. The notice ~~citation~~ shall contain
25 a statement of the charges or shall be accompanied by a copy of

1 the written complaint if such complaint shall have been filed.
2 The notice ~~citation~~ shall be served on the registrant at least
3 10 days prior to the date set in the notice ~~citation~~ for the
4 hearing, either by delivery of the notice ~~citation~~ personally
5 to the registrant or by mailing the notice ~~citation~~ by
6 registered mail to the registrant's address of record ~~last~~
7 ~~known place of residence~~; provided that in any case where the
8 registrant is now or may hereafter be required by law to
9 maintain a place of business in this State and to notify the
10 Department of the location of that place of business, the
11 notice ~~citation~~ may be served by mailing it by registered mail
12 to the registrant at the place of business last described by
13 the registrant in the notification to the Department.

14 (d) At the time and place fixed in the notice ~~citation~~, the
15 Department shall proceed to a hearing of the charges. Both the
16 registrant and the complainant shall be accorded ample
17 opportunity to present, in person or by counsel, any
18 statements, testimony, evidence, and argument that may be
19 pertinent to the charges or to any defense to the charges. The
20 Department may continue the hearing from time to time.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 (20 ILCS 2105/2105-105) (was 20 ILCS 2105/60d)

23 Sec. 2105-105. Oaths; subpoenas; penalty.

24 (a) The Department, by its Director or a person designated
25 by him or her, is empowered, at any time during the course of

1 any investigation or hearing conducted pursuant to any Act
2 administered by the Department, to administer oaths, subpoena
3 witnesses, take evidence, and compel the production of any
4 books, papers, records, or any other documents that the
5 Director, or a person designated by him or her, deems relevant
6 or material to any such investigation or hearing conducted by
7 the Department, with the same fees and mileage and in the same
8 manner as prescribed by law in judicial proceedings in civil
9 cases in circuit courts of this State. Discovery or evidence
10 depositions shall not be taken, except by agreement of the
11 Department and registrant.

12 (b) Any person who, without lawful authority, fails to
13 appear in response to a subpoena or to answer any question or
14 produce any books, papers, records, or any other documents
15 relevant or material to the investigation or hearing is guilty
16 of a Class A misdemeanor. Each violation shall constitute a
17 separate and distinct offense.

18 In addition to initiating criminal proceedings, the
19 Department, through the Attorney General, may seek enforcement
20 of any such subpoena by any circuit court of this State.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 (20 ILCS 2105/2105-110) (was 20 ILCS 2105/60e)

23 Sec. 2105-110. Court order requiring attendance of
24 witnesses or production of materials. Any circuit court, upon
25 the application of the registrant ~~or complainant~~ or of the

1 Department, may by order duly entered enforce a subpoena issued
2 by the Department for ~~require~~ the attendance of witnesses and
3 the production of relevant books and papers before the
4 Department in any hearing relative to the application for
5 refusal to renew, suspension, revocation, placing on
6 probationary status, reprimand, fine, or the taking of any
7 other disciplinary action as may be authorized in any licensing
8 Act administered by the Department with regard to any
9 certificate of registration. The court may compel obedience to
10 its order by proceedings for contempt.

11 (Source: P.A. 91-239, eff. 1-1-00.)

12 (20 ILCS 2105/2105-115) (was 20 ILCS 2105/60f)

13 Sec. 2105-115. Certified shorthand reporter ~~Stenographer;~~
14 transcript. The Department, at its expense, shall provide a
15 certified shorthand reporter ~~stenographer~~ to take down the
16 testimony and preserve a record of all proceedings at the
17 hearing of any case in which a certificate may be revoked,
18 suspended, placed on probationary status, reprimanded, fined,
19 or subjected to other disciplinary action with reference to the
20 certificate when a disciplinary action is authorized in any
21 licensing Act administered by the Department. The notice
22 ~~citation,~~ complaint, and all other documents in the nature of
23 pleadings and written motions filed in the proceedings, the
24 transcript of testimony, the report of the board, and the
25 orders of the Department shall be the record of the

1 proceedings. The Department shall furnish ~~a transcript of~~ the
2 record to any person interested in the hearing upon payment
3 therefor of \$1 per page. The Department may contract for court
4 reporting services, and, in the event it does so, the
5 Department shall provide the name and contact information for
6 the certified shorthand reporter who transcribed the testimony
7 at a hearing to any person interested, who may obtain a copy of
8 the transcript of any proceedings at a hearing upon payment of
9 the fee specified by the certified shorthand reporter. This
10 charge is in addition to any fee charged by the Department for
11 certifying the record.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 (20 ILCS 2105/2105-117 new)

14 Sec. 2105-117. Confidentiality. All information collected
15 by the Department in the course of an examination or
16 investigation of a licensee, registrant, or applicant,
17 including, but not limited to, any complaint against a licensee
18 or registrant filed with the Department and information
19 collected to investigate any such complaint, shall be
20 maintained for the confidential use of the Department and shall
21 not be disclosed. The Department may not disclose the
22 information to anyone other than law enforcement officials,
23 other regulatory agencies that have an appropriate regulatory
24 interest as determined by the Director, or a party presenting a
25 lawful subpoena to the Department. Information and documents

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

8 (20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

9 Sec. 2105-120. Board's report; registrant's motion for
10 rehearing.

11 (a) The board shall present to the Director its written
12 report of its findings and recommendations. A copy of the
13 report shall be served upon the registrant, either personally
14 or by registered mail as provided in Section 2105-100 for the
15 service of the notice ~~citation~~.

16 (b) Within 20 days after the service required under
17 subsection (a), the registrant may present to the Department a
18 motion in writing for a rehearing. The written motion shall
19 specify the particular grounds for a rehearing. If the
20 registrant orders and pays for a transcript of the record as
21 provided in Section 2105-115, the time elapsing thereafter and
22 before the transcript is ready for delivery to the registrant
23 shall not be counted as part of the 20 days.

24 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
25 eff. 6-28-01.)

1 (20 ILCS 2105/2105-125) (was 20 ILCS 2105/60h)

2 Sec. 2105-125. Restoration of certificate. At any time
3 after the successful completion of any term of suspension,
4 revocation, placement on probationary status, or other
5 disciplinary action taken by the Department with reference to
6 any certificate, including payment of any fine, the Department
7 may restore it to the registrant without examination, upon the
8 written recommendation of the appropriate board.

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (20 ILCS 2105/2105-175) (was 20 ILCS 2105/60a in part)

11 Sec. 2105-175. Reexaminations or rehearings. Whenever the
12 Director is satisfied that substantial justice has not been
13 done either in an examination or in the revocation of, refusal
14 to renew, suspension, placing on probationary status,
15 reprimanding, fining, or taking of other disciplinary action as
16 may be authorized in any licensing Act administered by the
17 Department with regard to a license, certificate, or authority,
18 the Director may order reexaminations or rehearings by the same
19 or other examiners or hearing officers.

20 (Source: P.A. 91-239, eff. 1-1-00.)

21 (20 ILCS 2105/2105-200) (was 20 ILCS 2105/60.1)

22 Sec. 2105-200. Index of formal decisions regarding
23 disciplinary action. The Department shall maintain an index of

1 formal decisions regarding the issuance of or refusal to issue
2 licenses, the renewal of or refusal to renew licenses, the
3 revocation or suspension of licenses, and probationary or other
4 disciplinary action taken by the Department after August 31,
5 1971 (the effective date of Public Act 77-1400). ~~The decisions~~
6 ~~shall be indexed according to the statutory Section and the~~
7 ~~administrative regulation, if any, that is the basis for the~~
8 ~~decision.~~ The index shall be available to the public during
9 regular business hours.

10 (Source: P.A. 91-239, eff. 1-1-00.)

11 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

12 Sec. 2105-205. Publication of disciplinary actions. The
13 Department shall publish on its website, at least monthly,
14 final disciplinary actions taken by the Department against a
15 licensee or applicant pursuant to any licensing Act
16 administered by the Department ~~the Medical Practice Act of~~
17 ~~1987~~. The specific disciplinary action and the name of the
18 applicant or licensee shall be listed. ~~This publication shall~~
19 ~~be made available to the public upon request and payment of the~~
20 ~~fees set by the Department. This publication may be made~~
21 ~~available to the public on the Internet through the State of~~
22 ~~Illinois World Wide Web site.~~

23 (Source: P.A. 90-14, eff. 7-1-97; 91-239, eff. 1-1-00.)

24 (20 ILCS 2105/2105-300) (was 20 ILCS 2105/61e)

1 Sec. 2105-300. Professions Indirect Cost Fund;
2 allocations; analyses.

3 (a) Appropriations for the direct and allocable indirect
4 costs of licensing and regulating each regulated profession,
5 trade, occupation, or industry are intended to be payable from
6 the fees and fines that are assessed and collected from that
7 profession, trade, occupation, or industry, to the extent that
8 those fees and fines are sufficient. In any fiscal year in
9 which the fees and fines generated by a specific profession,
10 trade, occupation, or industry are insufficient to finance the
11 necessary direct and allocable indirect costs of licensing and
12 regulating that profession, trade, occupation, or industry,
13 the remainder of those costs shall be financed from
14 appropriations payable from revenue sources other than fees and
15 fines. The direct and allocable indirect costs of the
16 Department identified in its cost allocation plans that are not
17 attributable to the licensing and regulation of a specific
18 profession, trade, or occupation, or industry or group of
19 professions, trades, occupations, or industries shall be
20 financed from appropriations from revenue sources other than
21 fees and fines.

22 (b) The Professions Indirect Cost Fund is hereby created as
23 a special fund in the State Treasury. Except as provided in
24 subsection (e), the Fund may receive transfers of moneys
25 authorized by the Department from the cash balances in special
26 funds that receive revenues from the fees and fines associated

1 with the licensing of regulated professions, trades,
2 occupations, and industries by the Department. ~~For purposes of~~
3 ~~this Section only, until June 30, 2010, the Fund may also~~
4 ~~receive transfers of moneys authorized by the Department from~~
5 ~~the cash balances in special funds that receive revenues from~~
6 ~~the fees and fines associated with the licensing of regulated~~
7 ~~professions, trades, occupations, and industries by the~~
8 ~~Department of Insurance.~~ Moneys in the Fund shall be invested
9 and earnings on the investments shall be retained in the Fund.
10 Subject to appropriation, the Department shall use moneys in
11 the Fund to pay the ordinary and necessary allocable indirect
12 expenses associated with each of the regulated professions,
13 trades, occupations, and industries.

14 (c) Before the beginning of each fiscal year, the
15 Department shall prepare a cost allocation analysis to be used
16 in establishing the necessary appropriation levels for each
17 cost purpose and revenue source. At the conclusion of each
18 fiscal year, the Department shall prepare a cost allocation
19 analysis reflecting the extent of the variation between how the
20 costs were actually financed in that year and the planned cost
21 allocation for that year. Variations between the planned and
22 actual cost allocations for the prior fiscal year shall be
23 adjusted into the Department's planned cost allocation for the
24 next fiscal year.

25 Each cost allocation analysis shall separately identify
26 the direct and allocable indirect costs of each regulated

1 profession, trade, occupation, or industry and the costs of the
2 Department's general public health and safety purposes. The
3 analyses shall determine whether the direct and allocable
4 indirect costs of each regulated profession, trade,
5 occupation, or industry and the costs of the Department's
6 general public health and safety purposes are sufficiently
7 financed from their respective funding sources. The Department
8 shall prepare the cost allocation analyses in consultation with
9 the respective regulated professions, trades, occupations, and
10 industries and shall make copies of the analyses available to
11 them in a timely fashion. ~~For purposes of this Section only,~~
12 ~~until June 30, 2010, the Department shall include in its cost~~
13 ~~allocation analysis the direct and allocable indirect costs of~~
14 ~~each regulated profession, trade, occupation, or industry and~~
15 ~~the costs of the general public health and safety purposes of~~
16 ~~the Department of Insurance.~~

17 (d) Except as provided in subsection (e), the Department
18 may direct the State Comptroller and Treasurer to transfer
19 moneys from the special funds that receive fees and fines
20 associated with regulated professions, trades, occupations,
21 and industries into the Professions Indirect Cost Fund in
22 accordance with the Department's cost allocation analysis plan
23 for the applicable fiscal year. For a given fiscal year, the
24 Department shall not direct the transfer of moneys under this
25 subsection from a special fund associated with a specific
26 regulated profession, trade, occupation, or industry (or group

1 of professions, trades, occupations, or industries) in an
2 amount exceeding the allocable indirect costs associated with
3 that profession, trade, occupation, or industry (or group of
4 professions, trades, occupations, or industries) as provided
5 in the cost allocation analysis for that fiscal year and
6 adjusted for allocation variations from the prior fiscal year.
7 No direct costs identified in the cost allocation plan shall be
8 used as a basis for transfers into the Professions Indirect
9 Cost Fund or for expenditures from the Fund.

10 (e) No transfer may be made to the Professions Indirect
11 Cost Fund under this Section from the Public Pension Regulation
12 Fund.

13 (Source: P.A. 95-950, eff. 8-29-08; 96-45, eff. 7-15-09.)

14 (20 ILCS 2105/2105-325) (was 20 ILCS 2105/60a in part)

15 Sec. 2105-325. Board member expenses ~~compensation~~. Except
16 as otherwise provided in any licensing Act, from amounts
17 appropriated for ~~compensation and~~ expenses of boards, each
18 member of each board shall ~~receive compensation at a rate,~~
19 ~~established by the Director, not to exceed \$50 per day, for the~~
20 ~~member's service and shall~~ be reimbursed for the member's
21 expenses necessarily incurred in relation to that service in
22 accordance with the travel regulations applicable to the
23 Department at the time the expenses are incurred.

24 (Source: P.A. 91-239, eff. 1-1-00.)

1 (20 ILCS 2105/2105-400)

2 Sec. 2105-400. Emergency Powers.

3 (a) Upon proclamation of a disaster by the Governor, as
4 provided for in the Illinois Emergency Management Agency Act,
5 the Secretary of Financial and Professional Regulation shall
6 have the following powers, which shall be exercised only in
7 coordination with the Illinois Emergency Management Agency and
8 the Department of Public Health:

9 (1) The power to suspend the requirements for permanent
10 or temporary licensure of persons who are licensed in
11 another state and are working under the direction of the
12 Illinois Emergency Management Agency and the Department of
13 Public Health pursuant to a declared disaster.

14 (2) The power to modify the scope of practice
15 restrictions under any licensing act administered by the
16 Department for any person working under the direction of
17 the Illinois Emergency Management Agency and the Illinois
18 Department of Public Health pursuant to the declared
19 disaster.

20 (3) The power to expand the exemption in Section 4(a)
21 of the Pharmacy Practice Act to those licensed
22 professionals whose scope of practice has been modified,
23 under paragraph (2) of subsection (a) of this Section, to
24 include any element of the practice of pharmacy as defined
25 in the Pharmacy Practice Act for any person working under
26 the direction of the Illinois Emergency Management Agency

1 and the Illinois Department of Public Health pursuant to
2 the declared disaster.

3 (b) Persons exempt from licensure under paragraph (1) of
4 subsection (a) of this Section and persons operating under
5 modified scope of practice provisions under paragraph (2) of
6 subsection (a) of this Section shall be exempt from licensure
7 or be subject to modified scope of practice only until the
8 declared disaster has ended as provided by law. For purposes of
9 this Section, persons working under the direction of an
10 emergency services and disaster agency accredited by the
11 Illinois Emergency Management Agency and a local public health
12 department, pursuant to a declared disaster, shall be deemed to
13 be working under the direction of the Illinois Emergency
14 Management Agency and the Department of Public Health.

15 (c) The Secretary or the Director, as his or her designee,
16 shall exercise these powers by way of proclamation.

17 (Source: P.A. 94-733, eff. 4-27-06; 95-689, eff. 10-29-07.)

18 (20 ILCS 2105/2105-150 rep.)

19 (20 ILCS 2105/2105-350 rep.)

20 Section 10. The Department of Professional Regulation Law
21 of the Civil Administrative Code of Illinois is amended by
22 repealing Sections 2105-150 and 2105-350.

23 Section 15. The Dietitian Nutritionist Practice Act is
24 amended by changing Section 95 as follows:

1 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 95. Grounds for discipline.

4 (1) The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem appropriate, including imposing fines not to exceed
8 \$10,000 for each violation, with regard to any license or
9 certificate for any one or combination of the following causes:

10 (a) Material misstatement in furnishing information to
11 the Department.

12 (b) Violations of this Act or of rules adopted under
13 this Act.

14 (c) Conviction by plea of guilty or nolo contendere,
15 finding of guilt, jury verdict, or entry of judgment or by
16 sentencing of any crime, including, but not limited to,
17 convictions, preceding sentences of supervision,
18 conditional discharge, or first offender probation, under
19 the laws of any jurisdiction of the United States (i) that
20 is a felony or (ii) that is a misdemeanor, an essential
21 element of which is dishonesty, or that is directly related
22 to the practice of the profession.

23 (d) Fraud or any misrepresentation in applying for or
24 procuring a license under this Act or in connection with
25 applying for renewal of a license under this Act.

1 (e) Professional incompetence or gross negligence.

2 (f) Malpractice.

3 (g) Aiding or assisting another person in violating any
4 provision of this Act or its rules.

5 (h) Failing to provide information within 60 days in
6 response to a written request made by the Department.

7 (i) Engaging in dishonorable, unethical or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public.

10 (j) Habitual or excessive use or abuse of drugs defined
11 in law as controlled substances, alcohol, or any other
12 substance that results in the inability to practice with
13 reasonable judgment, skill, or safety.

14 (k) Discipline by another state, the District of
15 Columbia, territory, country, or governmental agency if at
16 least one of the grounds for the discipline is the same or
17 substantially equivalent to those set forth in this Act.

18 (l) Charging for professional services not rendered,
19 including filing false statements for the collection of
20 fees for which services are not rendered. Nothing in this
21 paragraph (1) affects any bona fide independent contractor
22 or employment arrangements among health care
23 professionals, health facilities, health care providers,
24 or other entities, except as otherwise prohibited by law.
25 Any employment arrangements may include provisions for
26 compensation, health insurance, pension, or other

1 employment benefits for the provision of services within
2 the scope of the licensee's practice under this Act.
3 Nothing in this paragraph (1) shall be construed to require
4 an employment arrangement to receive professional fees for
5 services rendered.

6 (m) A finding by the Department that the licensee,
7 after having his or her license placed on probationary
8 status, has violated the terms of probation.

9 (n) Willfully making or filing false records or reports
10 in his or her practice, including, but not limited to,
11 false records filed with State agencies or departments.

12 (o) Allowing one's license under this Act to be used by
13 an unlicensed person in violation of this Act.

14 (p) Practicing under a false or, except as provided by
15 law, an assumed name.

16 (q) Gross and willful overcharging for professional
17 services.

18 (r) (Blank).

19 (s) Willfully failing to report an instance of
20 suspected child abuse or neglect as required by the Abused
21 and Neglected Child Reporting Act.

22 (t) Cheating on or attempting to subvert a licensing
23 examination administered under this Act.

24 (u) Mental illness or disability that results in the
25 inability to practice under this Act with reasonable
26 judgment, skill, or safety.

1 (v) Physical illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill that results in a licensee's inability to practice
4 under this Act with reasonable judgment, skill, or safety.

5 (w) Advising an individual to discontinue, reduce,
6 increase, or otherwise alter the intake of a drug
7 prescribed by a physician licensed to practice medicine in
8 all its branches or by a prescriber as defined in Section
9 102 of the Illinois Controlled Substances Act.

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

20 (3) The Department shall deny a license or renewal
21 authorized by this Act to a person who has defaulted on an
22 educational loan or scholarship provided or guaranteed by the
23 Illinois Student Assistance Commission or any governmental
24 agency of this State in accordance with item (7) ~~(5)~~ of
25 subsection (a) of Section 2105-15 of the Civil Administrative
26 Code of Illinois.

1 (4) In cases where the Department of Healthcare and Family
2 Services has previously determined a licensee or a potential
3 licensee is more than 30 days delinquent in the payment of
4 child support and has subsequently certified the delinquency to
5 the Department, the Department may refuse to issue or renew or
6 may revoke or suspend that person's license or may take other
7 disciplinary action against that person based solely upon the
8 certification of delinquency made by the Department of
9 Healthcare and Family Services in accordance with item (9) ~~(5)~~
10 of subsection (a) of Section 2105-15 of the Civil
11 Administrative Code of Illinois.

12 (5) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission, as
14 provided in the Mental Health and Developmental Disabilities
15 Code, operates as an automatic suspension. The suspension shall
16 end only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission
18 and the issuance of an order so finding and discharging the
19 patient.

20 (6) In enforcing this Act, the Department, upon a showing
21 of a possible violation, may compel an individual licensed to
22 practice under this Act, or who has applied for licensure under
23 this Act, to submit to a mental or physical examination, or
24 both, as required by and at the expense of the Department. The
25 Department may order the examining physician to present
26 testimony concerning the mental or physical examination of the

1 licensee or applicant. No information shall be excluded by
2 reason of any common law or statutory privilege relating to
3 communications between the licensee or applicant and the
4 examining physician. The examining physicians shall be
5 specifically designated by the Department. The individual to be
6 examined may have, at his or her own expense, another physician
7 of his or her choice present during all aspects of this
8 examination. The examination shall be performed by a physician
9 licensed to practice medicine in all its branches. Failure of
10 an individual to submit to a mental or physical examination,
11 when directed, shall result in an automatic suspension without
12 hearing.

13 A person holding a license under this Act or who has
14 applied for a license under this Act who, because of a physical
15 or mental illness or disability, including, but not limited to,
16 deterioration through the aging process or loss of motor skill,
17 is unable to practice the profession with reasonable judgment,
18 skill, or safety, may be required by the Department to submit
19 to care, counseling, or treatment by physicians approved or
20 designated by the Department as a condition, term, or
21 restriction for continued, reinstated, or renewed licensure to
22 practice. Submission to care, counseling, or treatment as
23 required by the Department shall not be considered discipline
24 of a license. If the licensee refuses to enter into a care,
25 counseling, or treatment agreement or fails to abide by the
26 terms of the agreement, then the Department may file a

1 complaint to revoke, suspend, or otherwise discipline the
2 license of the individual. The Secretary may order the license
3 suspended immediately, pending a hearing by the Department.
4 Fines shall not be assessed in disciplinary actions involving
5 physical or mental illness or impairment.

6 In instances in which the Secretary immediately suspends a
7 person's license under this Section, a hearing on that person's
8 license must be convened by the Department within 15 days after
9 the suspension and completed without appreciable delay. The
10 Department shall have the authority to review the subject
11 individual's record of treatment and counseling regarding the
12 impairment to the extent permitted by applicable federal
13 statutes and regulations safeguarding the confidentiality of
14 medical records.

15 An individual licensed under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate to
17 the Department that he or she can resume practice in compliance
18 with acceptable and prevailing standards under the provisions
19 of his or her license.

20 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
21 98-756, eff. 7-16-14.)

22 Section 20. The Funeral Directors and Embalmers Licensing
23 Code is amended by changing Section 15-75 as follows:

24 (225 ILCS 41/15-75)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 15-75. Violations; grounds for discipline; penalties.

3 (a) Each of the following acts is a Class A misdemeanor for
4 the first offense, and a Class 4 felony for each subsequent
5 offense. These penalties shall also apply to unlicensed owners
6 of funeral homes.

7 (1) Practicing the profession of funeral directing and
8 embalming or funeral directing, or attempting to practice
9 the profession of funeral directing and embalming or
10 funeral directing without a license as a funeral director
11 and embalmer or funeral director.

12 (2) Serving or attempting to serve as an intern under a
13 licensed funeral director and embalmer without a license as
14 a licensed funeral director and embalmer intern.

15 (3) Obtaining or attempting to obtain a license,
16 practice or business, or any other thing of value, by fraud
17 or misrepresentation.

18 (4) Permitting any person in one's employ, under one's
19 control or in or under one's service to serve as a funeral
20 director and embalmer, funeral director, or funeral
21 director and embalmer intern when the person does not have
22 the appropriate license.

23 (5) Failing to display a license as required by this
24 Code.

25 (6) Giving false information or making a false oath or
26 affidavit required by this Code.

1 (b) The Department may refuse to issue or renew, revoke,
2 suspend, place on probation or administrative supervision,
3 reprimand, or take other disciplinary or non-disciplinary
4 action as the Department may deem appropriate, including
5 imposing fines not to exceed \$10,000 for each violation, with
6 regard to any license under the Code for any one or combination
7 of the following:

8 (1) Fraud or any misrepresentation in applying for or
9 procuring a license under this Code or in connection with
10 applying for renewal of a license under this Code.

11 (2) Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing of any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States: (i) that
17 is a felony or (ii) that is a misdemeanor, an essential
18 element of which is dishonesty, or that is directly related
19 to the practice of the profession.

20 (3) Violation of the laws of this State relating to the
21 funeral, burial or disposition of deceased human bodies or
22 of the rules and regulations of the Department, or the
23 Department of Public Health.

24 (4) Directly or indirectly paying or causing to be paid
25 any sum of money or other valuable consideration for the
26 securing of business or for obtaining authority to dispose

1 of any deceased human body.

2 (5) Professional incompetence, gross negligence,
3 malpractice, or untrustworthiness in the practice of
4 funeral directing and embalming or funeral directing.

5 (6) (Blank).

6 (7) Engaging in, promoting, selling, or issuing burial
7 contracts, burial certificates, or burial insurance
8 policies in connection with the profession as a funeral
9 director and embalmer, funeral director, or funeral
10 director and embalmer intern in violation of any laws of
11 the State of Illinois.

12 (8) Refusing, without cause, to surrender the custody
13 of a deceased human body upon the proper request of the
14 person or persons lawfully entitled to the custody of the
15 body.

16 (9) Taking undue advantage of a client or clients as to
17 amount to the perpetration of fraud.

18 (10) Engaging in funeral directing and embalming or
19 funeral directing without a license.

20 (11) Encouraging, requesting, or suggesting by a
21 licensee or some person working on his behalf and with his
22 consent for compensation that a person utilize the services
23 of a certain funeral director and embalmer, funeral
24 director, or funeral establishment unless that information
25 has been expressly requested by the person. This does not
26 prohibit general advertising or pre-need solicitation.

1 (12) Making or causing to be made any false or
2 misleading statements about the laws concerning the
3 disposition of human remains, including, but not limited
4 to, the need to embalm, the need for a casket for cremation
5 or the need for an outer burial container.

6 (13) (Blank).

7 (14) Embalming or attempting to embalm a deceased human
8 body without express prior authorization of the person
9 responsible for making the funeral arrangements for the
10 body. This does not apply to cases where embalming is
11 directed by local authorities who have jurisdiction or when
12 embalming is required by State or local law. A licensee may
13 embalm without express prior authorization if a good faith
14 effort has been made to contact family members and has been
15 unsuccessful and the licensee has no reason to believe the
16 family opposes embalming.

17 (15) Making a false statement on a Certificate of Death
18 where the person making the statement knew or should have
19 known that the statement was false.

20 (16) Soliciting human bodies after death or while death
21 is imminent.

22 (17) Performing any act or practice that is a violation
23 of this Code, the rules for the administration of this
24 Code, or any federal, State or local laws, rules, or
25 regulations governing the practice of funeral directing or
26 embalming.

1 (18) Performing any act or practice that is a violation
2 of Section 2 of the Consumer Fraud and Deceptive Business
3 Practices Act.

4 (19) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud or harm the public.

7 (20) Taking possession of a dead human body without
8 having first obtained express permission from the person
9 holding the right to control the disposition in accordance
10 with Section 5 of the Disposition of Remains Act or a
11 public agency legally authorized to direct, control or
12 permit the removal of deceased human bodies.

13 (21) Advertising in a false or misleading manner or
14 advertising using the name of an unlicensed person in
15 connection with any service being rendered in the practice
16 of funeral directing or funeral directing and embalming.
17 The use of any name of an unlicensed or unregistered person
18 in an advertisement so as to imply that the person will
19 perform services is considered misleading advertising.
20 Nothing in this paragraph shall prevent including the name
21 of any owner, officer or corporate director of a funeral
22 home, who is not a licensee, in any advertisement used by a
23 funeral home with which the individual is affiliated, if
24 the advertisement specifies the individual's affiliation
25 with the funeral home.

26 (22) Charging for professional services not rendered,

1 including filing false statements for the collection of
2 fees for which services are not rendered.

3 (23) Failing to account for or remit any monies,
4 documents, or personal property that belongs to others that
5 comes into a licensee's possession.

6 (24) Treating any person differently to his detriment
7 because of race, color, creed, gender, religion, or
8 national origin.

9 (25) Knowingly making any false statements, oral or
10 otherwise, of a character likely to influence, persuade or
11 induce others in the course of performing professional
12 services or activities.

13 (26) Willfully making or filing false records or
14 reports in the practice of funeral directing and embalming,
15 including, but not limited to, false records filed with
16 State agencies or departments.

17 (27) Failing to acquire continuing education required
18 under this Code.

19 (28) (Blank).

20 (29) Aiding or assisting another person in violating
21 any provision of this Code or rules adopted pursuant to
22 this Code.

23 (30) Failing within 10 days, to provide information in
24 response to a written request made by the Department.

25 (31) Discipline by another state, District of
26 Columbia, territory, foreign nation, or governmental

1 agency, if at least one of the grounds for the discipline
2 is the same or substantially equivalent to those set forth
3 in this Section.

4 (32) (Blank).

5 (33) Mental illness or disability which results in the
6 inability to practice the profession with reasonable
7 judgment, skill, or safety.

8 (34) Gross, willful, or continued overcharging for
9 professional services, including filing false statements
10 for collection of fees for which services are not rendered.

11 (35) Physical illness, including, but not limited to,
12 deterioration through the aging process or loss of motor
13 skill which results in a licensee's inability to practice
14 under this Code with reasonable judgment, skill, or safety.

15 (36) Failing to comply with any of the following
16 required activities:

17 (A) When reasonably possible, a funeral director
18 licensee or funeral director and embalmer licensee or
19 anyone acting on his or her behalf shall obtain the
20 express authorization of the person or persons
21 responsible for making the funeral arrangements for a
22 deceased human body prior to removing a body from the
23 place of death or any place it may be or embalming or
24 attempting to embalm a deceased human body, unless
25 required by State or local law. This requirement is
26 waived whenever removal or embalming is directed by

1 local authorities who have jurisdiction. If the
2 responsibility for the handling of the remains
3 lawfully falls under the jurisdiction of a public
4 agency, then the regulations of the public agency shall
5 prevail.

6 (B) A licensee shall clearly mark the price of any
7 casket offered for sale or the price of any service
8 using the casket on or in the casket if the casket is
9 displayed at the funeral establishment. If the casket
10 is displayed at any other location, regardless of
11 whether the licensee is in control of that location,
12 the casket shall be clearly marked and the registrant
13 shall use books, catalogues, brochures, or other
14 printed display aids to show the price of each casket
15 or service.

16 (C) At the time funeral arrangements are made and
17 prior to rendering the funeral services, a licensee
18 shall furnish a written statement of services to be
19 retained by the person or persons making the funeral
20 arrangements, signed by both parties, that shall
21 contain: (i) the name, address and telephone number of
22 the funeral establishment and the date on which the
23 arrangements were made; (ii) the price of the service
24 selected and the services and merchandise included for
25 that price; (iii) a clear disclosure that the person or
26 persons making the arrangement may decline and receive

1 credit for any service or merchandise not desired and
2 not required by law or the funeral director or the
3 funeral director and embalmer; (iv) the supplemental
4 items of service and merchandise requested and the
5 price of each item; (v) the terms or method of payment
6 agreed upon; and (vi) a statement as to any monetary
7 advances made by the registrant on behalf of the
8 family. The licensee shall maintain a copy of the
9 written statement of services in its permanent
10 records. All written statements of services are
11 subject to inspection by the Department.

12 (D) In all instances where the place of final
13 disposition of a deceased human body or the cremated
14 remains of a deceased human body is a cemetery, the
15 licensed funeral director and embalmer, or licensed
16 funeral director, who has been engaged to provide
17 funeral or embalming services shall remain at the
18 cemetery and personally witness the placement of the
19 human remains in their designated grave or the sealing
20 of the above ground depository, crypt, or urn. The
21 licensed funeral director or licensed funeral director
22 and embalmer may designate a licensed funeral director
23 and embalmer intern or representative of the funeral
24 home to be his or her witness to the placement of the
25 remains. If the cemetery authority, cemetery manager,
26 or any other agent of the cemetery takes any action

1 that prevents compliance with this paragraph (D), then
2 the funeral director and embalmer or funeral director
3 shall provide written notice to the Department within 5
4 business days after failing to comply. If the
5 Department receives this notice, then the Department
6 shall not take any disciplinary action against the
7 funeral director and embalmer or funeral director for a
8 violation of this paragraph (D) unless the Department
9 finds that the cemetery authority, manager, or any
10 other agent of the cemetery did not prevent the funeral
11 director and embalmer or funeral director from
12 complying with this paragraph (D) as claimed in the
13 written notice.

14 (E) A funeral director or funeral director and
15 embalmer shall fully complete the portion of the
16 Certificate of Death under the responsibility of the
17 funeral director or funeral director and embalmer and
18 provide all required information. In the event that any
19 reported information subsequently changes or proves
20 incorrect, a funeral director or funeral director and
21 embalmer shall immediately upon learning the correct
22 information correct the Certificate of Death.

23 (37) A finding by the Department that the license,
24 after having his or her license placed on probationary
25 status or subjected to conditions or restrictions,
26 violated the terms of the probation or failed to comply

1 with such terms or conditions.

2 (38) (Blank).

3 (39) Being named as a perpetrator in an indicated
4 report by the Department of Children and Family Services
5 pursuant to the Abused and Neglected Child Reporting Act
6 and, upon proof by clear and convincing evidence, being
7 found to have caused a child to be an abused child or
8 neglected child as defined in the Abused and Neglected
9 Child Reporting Act.

10 (40) Habitual or excessive use or abuse of drugs
11 defined in law as controlled substances, alcohol, or any
12 other substance which results in the inability to practice
13 with reasonable judgment, skill, or safety.

14 (41) Practicing under a false or, except as provided by
15 law, an assumed name.

16 (42) Cheating on or attempting to subvert the licensing
17 examination administered under this Code.

18 (c) The Department may refuse to issue or renew or may
19 suspend without a hearing, as provided for in the Department of
20 Professional Regulation Law of the Civil Administrative Code of
21 Illinois, the license of any person who fails to file a return,
22 to pay the tax, penalty or interest shown in a filed return, or
23 to pay any final assessment of tax, penalty or interest as
24 required by any tax Act administered by the Illinois Department
25 of Revenue, until the time as the requirements of the tax Act
26 are satisfied in accordance with subsection (g) of Section

1 2105-15 of the Department of Professional Regulation Law of the
2 Civil Administrative Code of Illinois.

3 (d) No action may be taken under this Code against a person
4 licensed under this Code unless the action is commenced within
5 5 years after the occurrence of the alleged violations. A
6 continuing violation shall be deemed to have occurred on the
7 date when the circumstances last existed that give rise to the
8 alleged violation.

9 (e) Nothing in this Section shall be construed or enforced
10 to give a funeral director and embalmer, or his or her
11 designees, authority over the operation of a cemetery or over
12 cemetery employees. Nothing in this Section shall be construed
13 or enforced to impose duties or penalties on cemeteries with
14 respect to the timing of the placement of human remains in
15 their designated grave or the sealing of the above ground
16 depository, crypt, or urn due to patron safety, the allocation
17 of cemetery staffing, liability insurance, a collective
18 bargaining agreement, or other such reasons.

19 (f) All fines imposed under this Section shall be paid 60
20 days after the effective date of the order imposing the fine.

21 (g) The Department shall deny a license or renewal
22 authorized by this Code to a person who has defaulted on an
23 educational loan or scholarship provided or guaranteed by the
24 Illinois Student Assistance Commission or any governmental
25 agency of this State in accordance with item (7) ~~(5)~~ of
26 subsection (a) of Section 2105-15 of the Department of

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois.

3 (h) In cases where the Department of Healthcare and Family
4 Services has previously determined a licensee or a potential
5 licensee is more than 30 days delinquent in the payment of
6 child support and has subsequently certified the delinquency to
7 the Department, the Department may refuse to issue or renew or
8 may revoke or suspend that person's license or may take other
9 disciplinary action against that person based solely upon the
10 certification of delinquency made by the Department of
11 Healthcare and Family Services in accordance with item (9) ~~(5)~~
12 of subsection (a) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois.

15 (i) A person not licensed under this Code who is an owner
16 of a funeral establishment or funeral business shall not aid,
17 abet, assist, procure, advise, employ, or contract with any
18 unlicensed person to offer funeral services or aid, abet,
19 assist, or direct any licensed person contrary to or in
20 violation of any rules or provisions of this Code. A person
21 violating this subsection shall be treated as a licensee for
22 the purposes of disciplinary action under this Section and
23 shall be subject to cease and desist orders as provided in this
24 Code, the imposition of a fine up to \$10,000 for each violation
25 and any other penalty provided by law.

26 (j) The determination by a circuit court that a licensee is

1 subject to involuntary admission or judicial admission as
2 provided in the Mental Health and Developmental Disabilities
3 Code, as amended, operates as an automatic suspension. The
4 suspension may end only upon a finding by a court that the
5 licensee is no longer subject to the involuntary admission or
6 judicial admission and issues an order so finding and
7 discharging the licensee, and upon the recommendation of the
8 Board to the Secretary that the licensee be allowed to resume
9 his or her practice.

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

1 when directed, shall result in an automatic suspension without
2 hearing.

3 A person holding a license under this Code or who has
4 applied for a license under this Code who, because of a
5 physical or mental illness or disability, including, but not
6 limited to, deterioration through the aging process or loss of
7 motor skill, is unable to practice the profession with
8 reasonable judgment, skill, or safety, may be required by the
9 Department to submit to care, counseling, or treatment by
10 physicians approved or designated by the Department as a
11 condition, term, or restriction for continued, reinstated, or
12 renewed licensure to practice. Submission to care, counseling,
13 or treatment as required by the Department shall not be
14 considered discipline of a license. If the licensee refuses to
15 enter into a care, counseling, or treatment agreement or fails
16 to abide by the terms of the agreement, the Department may file
17 a complaint to revoke, suspend, or otherwise discipline the
18 license of the individual. The Secretary may order the license
19 suspended immediately, pending a hearing by the Department.
20 Fines shall not be assessed in disciplinary actions involving
21 physical or mental illness or impairment.

22 In instances in which the Secretary immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license must be convened by the Department within 15 days after
25 the suspension and completed without appreciable delay. The
26 Department shall have the authority to review the subject

1 individual's record of treatment and counseling regarding the
2 impairment to the extent permitted by applicable federal
3 statutes and regulations safeguarding the confidentiality of
4 medical records.

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

10 (Source: P.A. 97-1130, eff. 8-28-12; 98-756, eff. 7-16-14.)

11 Section 25. The Massage Licensing Act is amended by
12 changing Section 45 as follows:

13 (225 ILCS 57/45)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 45. Grounds for discipline.

16 (a) The Department may refuse to issue or renew, or may
17 revoke, suspend, place on probation, reprimand, or take other
18 disciplinary or non-disciplinary action, as the Department
19 considers appropriate, including the imposition of fines not to
20 exceed \$10,000 for each violation, with regard to any license
21 or licensee for any one or more of the following:

22 (1) violations of this Act or of the rules adopted
23 under this Act;

24 (2) conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or by
2 sentencing of any crime, including, but not limited to,
3 convictions, preceding sentences of supervision,
4 conditional discharge, or first offender probation, under
5 the laws of any jurisdiction of the United States: (i) that
6 is a felony; or (ii) that is a misdemeanor, an essential
7 element of which is dishonesty, or that is directly related
8 to the practice of the profession;

9 (3) professional incompetence;

10 (4) advertising in a false, deceptive, or misleading
11 manner;

12 (5) aiding, abetting, assisting, procuring, advising,
13 employing, or contracting with any unlicensed person to
14 practice massage contrary to any rules or provisions of
15 this Act;

16 (6) engaging in immoral conduct in the commission of
17 any act, such as sexual abuse, sexual misconduct, or sexual
18 exploitation, related to the licensee's practice;

19 (7) engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public;

22 (8) practicing or offering to practice beyond the scope
23 permitted by law or accepting and performing professional
24 responsibilities which the licensee knows or has reason to
25 know that he or she is not competent to perform;

26 (9) knowingly delegating professional responsibilities

1 to a person unqualified by training, experience, or
2 licensure to perform;

3 (10) failing to provide information in response to a
4 written request made by the Department within 60 days;

5 (11) having a habitual or excessive use of or addiction
6 to alcohol, narcotics, stimulants, or any other chemical
7 agent or drug which results in the inability to practice
8 with reasonable judgment, skill, or safety;

9 (12) having a pattern of practice or other behavior
10 that demonstrates incapacity or incompetence to practice
11 under this Act;

12 (13) discipline by another state, District of
13 Columbia, territory, or foreign nation, if at least one of
14 the grounds for the discipline is the same or substantially
15 equivalent to those set forth in this Section;

16 (14) a finding by the Department that the licensee,
17 after having his or her license placed on probationary
18 status, has violated the terms of probation;

19 (15) willfully making or filing false records or
20 reports in his or her practice, including, but not limited
21 to, false records filed with State agencies or departments;

22 (16) making a material misstatement in furnishing
23 information to the Department or otherwise making
24 misleading, deceptive, untrue, or fraudulent
25 representations in violation of this Act or otherwise in
26 the practice of the profession;

1 (17) fraud or misrepresentation in applying for or
2 procuring a license under this Act or in connection with
3 applying for renewal of a license under this Act;

4 (18) inability to practice the profession with
5 reasonable judgment, skill, or safety as a result of
6 physical illness, including, but not limited to,
7 deterioration through the aging process, loss of motor
8 skill, or a mental illness or disability;

9 (19) charging for professional services not rendered,
10 including filing false statements for the collection of
11 fees for which services are not rendered;

12 (20) practicing under a false or, except as provided by
13 law, an assumed name; or

14 (21) cheating on or attempting to subvert the licensing
15 examination administered under this Act.

16 All fines shall be paid within 60 days of the effective
17 date of the order imposing the fine.

18 (b) A person not licensed under this Act and engaged in the
19 business of offering massage therapy services through others,
20 shall not aid, abet, assist, procure, advise, employ, or
21 contract with any unlicensed person to practice massage therapy
22 contrary to any rules or provisions of this Act. A person
23 violating this subsection (b) shall be treated as a licensee
24 for the purposes of disciplinary action under this Section and
25 shall be subject to cease and desist orders as provided in
26 Section 90 of this Act.

1 (c) The Department shall revoke any license issued under
2 this Act of any person who is convicted of prostitution, rape,
3 sexual misconduct, or any crime that subjects the licensee to
4 compliance with the requirements of the Sex Offender
5 Registration Act and any such conviction shall operate as a
6 permanent bar in the State of Illinois to practice as a massage
7 therapist.

8 (d) The Department may refuse to issue or may suspend the
9 license of any person who fails to file a tax return, to pay
10 the tax, penalty, or interest shown in a filed tax 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 requirements of the tax Act
14 are satisfied in accordance with subsection (g) of Section
15 2105-15 of the Civil Administrative Code of Illinois.

16 (e) The Department shall deny a license or renewal
17 authorized by this Act to a person who has defaulted on an
18 educational loan or scholarship provided or guaranteed by the
19 Illinois Student Assistance Commission or any governmental
20 agency of this State in accordance with item (7) ~~(5)~~ of
21 subsection (a) of Section 2105-15 of the Civil Administrative
22 Code of Illinois.

23 (f) In cases where the Department of Healthcare and Family
24 Services has previously determined that a licensee or a
25 potential licensee is more than 30 days delinquent in the
26 payment of child support and has subsequently certified the

1 delinquency to the Department, the Department may refuse to
2 issue or renew or may revoke or suspend that person's license
3 or may take other disciplinary action against that person based
4 solely upon the certification of delinquency made by the
5 Department of Healthcare and Family Services in accordance with
6 item (9) ~~(5)~~ of subsection (a) of Section 2105-15 of the Civil
7 Administrative Code of Illinois.

8 (g) The determination by a circuit court that a licensee is
9 subject to involuntary admission or judicial admission, as
10 provided in the Mental Health and Developmental Disabilities
11 Code, operates as an automatic suspension. The suspension will
12 end only upon a finding by a court that the patient is no
13 longer subject to involuntary admission or judicial admission
14 and the issuance of a court order so finding and discharging
15 the patient.

16 (h) In enforcing this Act, the Department or Board, upon a
17 showing of a possible violation, may compel an individual
18 licensed to practice under this Act, or who has applied for
19 licensure under this Act, to submit to a mental or physical
20 examination, or both, as required by and at the expense of the
21 Department. The Department or Board may order the examining
22 physician to present testimony concerning the mental or
23 physical examination of the licensee or applicant. No
24 information shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician. The

1 examining physicians shall be specifically designated by the
2 Board or Department. The individual to be examined may have, at
3 his or her own expense, another physician of his or her choice
4 present during all aspects of this examination. The examination
5 shall be performed by a physician licensed to practice medicine
6 in all its branches. Failure of an individual to submit to a
7 mental or physical examination, when directed, shall result in
8 an automatic suspension without hearing.

9 A person holding a license under this Act or who has
10 applied for a license under this Act who, because of a physical
11 or mental illness or disability, including, but not limited to,
12 deterioration through the aging process or loss of motor skill,
13 is unable to practice the profession with reasonable judgment,
14 skill, or safety, may be required by the Department to submit
15 to care, counseling, or treatment by physicians approved or
16 designated by the Department as a condition, term, or
17 restriction for continued, reinstated, or renewed licensure to
18 practice. Submission to care, counseling, or treatment as
19 required by the Department shall not be considered discipline
20 of a license. If the licensee refuses to enter into a care,
21 counseling, or treatment agreement or fails to abide by the
22 terms of the agreement, the Department may file a complaint to
23 revoke, suspend, or otherwise discipline the license of the
24 individual. The Secretary may order the license suspended
25 immediately, pending a hearing by the Department. Fines shall
26 not be assessed in disciplinary actions involving physical or

1 mental illness or impairment.

2 In instances in which the Secretary immediately suspends a
3 person's license under this Section, a hearing on that person's
4 license must be convened by the Department within 15 days after
5 the suspension and completed without appreciable delay. The
6 Department and Board shall have the authority to review the
7 subject individual's record of treatment and counseling
8 regarding the impairment to the extent permitted by applicable
9 federal statutes and regulations safeguarding the
10 confidentiality of medical records.

11 An individual licensed under this Act and affected under
12 this Section shall be afforded an opportunity to demonstrate to
13 the Department or Board that he or she can resume practice in
14 compliance with acceptable and prevailing standards under the
15 provisions of his or her license.

16 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

17 Section 30. The Naprapathic Practice Act is amended by
18 changing Section 110 as follows:

19 (225 ILCS 63/110)

20 (Section scheduled to be repealed on January 1, 2023)

21 Sec. 110. Grounds for disciplinary action; refusal,
22 revocation, suspension.

23 (a) The Department may refuse to issue or to renew, or may
24 revoke, suspend, place on probation, reprimand or take other

1 disciplinary or non-disciplinary action as the Department may
2 deem appropriate, including imposing fines not to exceed
3 \$10,000 for each violation, with regard to any licensee or
4 license for any one or combination of the following causes:

5 (1) Violations of this Act or of rules adopted under
6 this Act.

7 (2) Material misstatement in furnishing information to
8 the Department.

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

18 (4) Fraud or any misrepresentation in applying for or
19 procuring a license under this Act or in connection with
20 applying for renewal of a license under this Act.

21 (5) Professional incompetence or gross negligence.

22 (6) Malpractice.

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

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

1 (9) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

4 (10) Habitual or excessive use or abuse of drugs
5 defined in law as controlled substances, alcohol, or any
6 other substance which results in the inability to practice
7 with reasonable judgment, skill, or safety.

8 (11) Discipline by another U.S. jurisdiction or
9 foreign nation if at least one of the grounds for the
10 discipline is the same or substantially equivalent to those
11 set forth in this Act.

12 (12) Directly or indirectly giving to or receiving from
13 any person, firm, corporation, partnership, or association
14 any fee, commission, rebate, or other form of compensation
15 for any professional services not actually or personally
16 rendered. This shall not be deemed to include rent or other
17 remunerations paid to an individual, partnership, or
18 corporation by a naprapath for the lease, rental, or use of
19 space, owned or controlled by the individual, partnership,
20 corporation, or association. Nothing in this paragraph
21 (12) affects any bona fide independent contractor or
22 employment arrangements among health care professionals,
23 health facilities, health care providers, or other
24 entities, except as otherwise prohibited by law. Any
25 employment arrangements may include provisions for
26 compensation, health insurance, pension, or other

1 employment benefits for the provision of services within
2 the scope of the licensee's practice under this Act.
3 Nothing in this paragraph (12) shall be construed to
4 require an employment arrangement to receive professional
5 fees for services rendered.

6 (13) Using the title "Doctor" or its abbreviation
7 without further clarifying that title or abbreviation with
8 the word "naprapath" or "naprapathy" or the designation
9 "D.N."

10 (14) A finding by the Department that the licensee,
11 after having his or her license placed on probationary
12 status, has violated the terms of probation.

13 (15) Abandonment of a patient without cause.

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

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

21 (18) Physical or mental illness or disability,
22 including, but not limited to, deterioration through the
23 aging process or loss of motor skill that results in the
24 inability to practice the profession with reasonable
25 judgment, skill, or safety.

26 (19) Solicitation of professional services by means

1 other than permitted advertising.

2 (20) Failure to provide a patient with a copy of his or
3 her record upon the written request of the patient.

4 (21) Cheating on or attempting to subvert the licensing
5 examination administered under this Act.

6 (22) Allowing one's license under this Act to be used
7 by an unlicensed person in violation of this Act.

8 (23) (Blank).

9 (24) Being named as a perpetrator in an indicated
10 report by the Department of Children and Family Services
11 under the Abused and Neglected Child Reporting Act and upon
12 proof by clear and convincing evidence that the licensee
13 has caused a child to be an abused child or a neglected
14 child as defined in the Abused and Neglected Child
15 Reporting Act.

16 (25) Practicing under a false or, except as provided by
17 law, an assumed name.

18 (26) Immoral conduct in the commission of any act, such
19 as sexual abuse, sexual misconduct, or sexual
20 exploitation, related to the licensee's practice.

21 (27) Maintaining a professional relationship with any
22 person, firm, or corporation when the naprapath knows, or
23 should know, that the person, firm, or corporation is
24 violating this Act.

25 (28) Promotion of the sale of food supplements,
26 devices, appliances, or goods provided for a client or

1 patient in such manner as to exploit the patient or client
2 for financial gain of the licensee.

3 (29) Having treated ailments of human beings other than
4 by the practice of naprapathy as defined in this Act, or
5 having treated ailments of human beings as a licensed
6 naprapath independent of a documented referral or
7 documented current and relevant diagnosis from a
8 physician, dentist, or podiatric physician, or having
9 failed to notify the physician, dentist, or podiatric
10 physician who established a documented current and
11 relevant diagnosis that the patient is receiving
12 naprapathic treatment pursuant to that diagnosis.

13 (30) Use by a registered naprapath of the word
14 "infirmary", "hospital", "school", "university", in
15 English or any other language, in connection with the place
16 where naprapathy may be practiced or demonstrated.

17 (31) Continuance of a naprapath in the employ of any
18 person, firm, or corporation, or as an assistant to any
19 naprapath or naprapaths, directly or indirectly, after his
20 or her employer or superior has been found guilty of
21 violating or has been enjoined from violating the laws of
22 the State of Illinois relating to the practice of
23 naprapathy when the employer or superior persists in that
24 violation.

25 (32) The performance of naprapathic service in
26 conjunction with a scheme or plan with another person,

1 firm, or corporation known to be advertising in a manner
2 contrary to this Act or otherwise violating the laws of the
3 State of Illinois concerning the practice of naprapathy.

4 (33) Failure to provide satisfactory proof of having
5 participated in approved continuing education programs as
6 determined by and approved by the Secretary. Exceptions for
7 extreme hardships are to be defined by the rules of the
8 Department.

9 (34) (Blank).

10 (35) Gross or willful overcharging for professional
11 services.

12 (36) (Blank).

13 All fines imposed under this Section shall be paid within
14 60 days after the effective date of the order imposing the
15 fine.

16 (b) The Department may refuse to issue or may suspend
17 without hearing, as provided for in the Department of
18 Professional Regulation Law of the Civil Administrative Code,
19 the license of any person who fails to file a return, or pay
20 the tax, penalty, or interest shown in a filed return, or pay
21 any final assessment of the tax, penalty, or interest as
22 required by any tax Act administered by the Illinois Department
23 of Revenue, until such time as the requirements of any such tax
24 Act are satisfied in accordance with subsection (g) of Section
25 2105-15 of the Department of Professional Regulation Law of the
26 Civil Administrative Code of Illinois.

1 (c) The Department shall deny a license or renewal
2 authorized by this Act to a person who has defaulted on an
3 educational loan or scholarship provided or guaranteed by the
4 Illinois Student Assistance Commission or any governmental
5 agency of this State in accordance with item (7) ~~(5)~~ of
6 subsection (a) of Section 2105-15 of the Department of
7 Professional Regulation Law of the Civil Administrative Code of
8 Illinois.

9 (d) In cases where the Department of Healthcare and Family
10 Services has previously determined a licensee or a potential
11 licensee is more than 30 days delinquent in the payment of
12 child support and has subsequently certified the delinquency to
13 the Department, the Department may refuse to issue or renew or
14 may revoke or suspend that person's license or may take other
15 disciplinary action against that person based solely upon the
16 certification of delinquency made by the Department of
17 Healthcare and Family Services in accordance with item (9) ~~(5)~~
18 of subsection (a) of Section 2105-15 of the Department of
19 Professional Regulation Law of the Civil Administrative Code of
20 Illinois.

21 (e) 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 shall
25 end 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.

3 (f) In enforcing this Act, the Department, upon a showing
4 of a possible violation, may compel an individual licensed to
5 practice under this Act, or who has applied for licensure under
6 this Act, to submit to a mental or physical examination and
7 evaluation, or both, which may include a substance abuse or
8 sexual offender evaluation, as required by and at the expense
9 of the Department. The Department shall specifically designate
10 the examining physician licensed to practice medicine in all of
11 its branches or, if applicable, the multidisciplinary team
12 involved in providing the mental or physical examination and
13 evaluation, or both. The multidisciplinary team shall be led by
14 a physician licensed to practice medicine in all of its
15 branches and may consist of one or more or a combination of
16 physicians licensed to practice medicine in all of its
17 branches, licensed chiropractic physicians, licensed clinical
18 psychologists, licensed clinical social workers, licensed
19 clinical professional counselors, and other professional and
20 administrative staff. Any examining physician or member of the
21 multidisciplinary team may require any person ordered to submit
22 to an examination and evaluation pursuant to this Section to
23 submit to any additional supplemental testing deemed necessary
24 to complete any examination or evaluation process, including,
25 but not limited to, blood testing, urinalysis, psychological
26 testing, or neuropsychological testing.

1 The Department may order the examining physician or any
2 member of the multidisciplinary team to provide to the
3 Department any and all records including business records that
4 relate to the examination and evaluation, including any
5 supplemental testing performed. The Department may order the
6 examining physician or any member of the multidisciplinary team
7 to present testimony concerning the examination and evaluation
8 of the licensee or applicant, including testimony concerning
9 any supplemental testing or documents in any way related to the
10 examination and evaluation. No information, report, record, or
11 other documents in any way related to the examination and
12 evaluation shall be excluded by reason of any common law or
13 statutory privilege relating to communications between the
14 licensee or applicant and the examining physician or any member
15 of the multidisciplinary team. No authorization is necessary
16 from the licensee or applicant ordered to undergo an evaluation
17 and examination for the examining physician or any member of
18 the multidisciplinary team to provide information, reports,
19 records, or other documents or to provide any testimony
20 regarding the examination and evaluation. The individual to be
21 examined may have, at his or her own expense, another physician
22 of his or her choice present during all aspects of this
23 examination. Failure of an individual to submit to a mental or
24 physical examination and evaluation, or both, when directed,
25 shall result in an automatic suspension without hearing, until
26 such time as the individual submits to the examination.

1 A person holding a license under this Act or who has
2 applied for a license under this Act who, because of a physical
3 or mental illness or disability, including, but not limited to,
4 deterioration through the aging process or loss of motor skill,
5 is unable to practice the profession with reasonable judgment,
6 skill, or safety, may be required by the Department to submit
7 to care, counseling, or treatment by physicians approved or
8 designated by the Department as a condition, term, or
9 restriction for continued, reinstated, or renewed licensure to
10 practice. Submission to care, counseling, or treatment as
11 required by the Department shall not be considered discipline
12 of a license. If the licensee refuses to enter into a care,
13 counseling, or treatment agreement or fails to abide by the
14 terms of the agreement, the Department may file a complaint to
15 revoke, suspend, or otherwise discipline the license of the
16 individual. The Secretary may order the license suspended
17 immediately, pending a hearing by the Department. Fines shall
18 not be assessed in disciplinary actions involving physical or
19 mental illness or impairment.

20 In instances in which the Secretary immediately suspends a
21 person's license under this Section, a hearing on that person's
22 license must be convened by the Department within 15 days after
23 the suspension and completed without appreciable delay. The
24 Department shall have the authority to review the subject
25 individual's record of treatment and counseling regarding the
26 impairment to the extent permitted by applicable federal

1 statutes and regulations safeguarding the confidentiality of
2 medical records.

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

8 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;
9 98-463, eff. 8-16-13.)

10 Section 35. The Illinois Occupational Therapy Practice Act
11 is amended by changing Section 19 as follows:

12 (225 ILCS 75/19) (from Ch. 111, par. 3719)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 19. Grounds for discipline.

15 (a) The Department may refuse to issue or renew, or may
16 revoke, suspend, place on probation, reprimand or take other
17 disciplinary or non-disciplinary action as the Department may
18 deem proper, including imposing fines not to exceed \$10,000 for
19 each violation and the assessment of costs as provided under
20 Section 19.3 of this Act, with regard to any license for any
21 one or combination of the following:

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

24 (2) Violations of this Act, or of the rules promulgated

1 thereunder;

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

11 (4) Fraud or any misrepresentation in applying for or
12 procuring a license under this Act, or in connection with
13 applying for renewal of a license under this Act;

14 (5) Professional incompetence;

15 (6) Aiding or assisting another person, firm,
16 partnership or corporation in violating any provision of
17 this Act or rules;

18 (7) Failing, within 60 days, to provide information in
19 response to a written request made by the Department;

20 (8) Engaging in dishonorable, unethical or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public;

23 (9) Habitual or excessive use or abuse of drugs defined
24 in law as controlled substances, alcohol, or any other
25 substance that results in the inability to practice with
26 reasonable judgment, skill, or safety;

1 (10) Discipline by another state, unit of government,
2 government agency, the District of Columbia, a territory,
3 or foreign nation, if at least one of the grounds for the
4 discipline is the same or substantially equivalent to those
5 set forth herein;

6 (11) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate or other form of compensation
9 for professional services not actually or personally
10 rendered. Nothing in this paragraph (11) affects any bona
11 fide independent contractor or employment arrangements
12 among health care professionals, health facilities, health
13 care providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this Act.
18 Nothing in this paragraph (11) shall be construed to
19 require an employment arrangement to receive professional
20 fees for services rendered;

21 (12) A finding by the Department that the license
22 holder, after having his license disciplined, has violated
23 the terms of the discipline;

24 (13) Wilfully making or filing false records or reports
25 in the practice of occupational therapy, including but not
26 limited to false records filed with the State agencies or

1 departments;

2 (14) Physical illness, including but not limited to,
3 deterioration through the aging process, or loss of motor
4 skill which results in the inability to practice under this
5 Act with reasonable judgment, skill, or safety;

6 (15) Solicitation of professional services other than
7 by permitted advertising;

8 (16) Allowing one's license under this Act to be used
9 by an unlicensed person in violation of this Act;

10 (17) Practicing under a false or, except as provided by
11 law, assumed name;

12 (18) Professional incompetence or gross negligence;

13 (19) Malpractice;

14 (20) Promotion of the sale of drugs, devices,
15 appliances, or goods provided for a patient in any manner
16 to exploit the client for financial gain of the licensee;

17 (21) Gross, willful, or continued overcharging for
18 professional services;

19 (22) Mental illness or disability that results in the
20 inability to practice under this Act with reasonable
21 judgment, skill, or safety;

22 (23) Violating the Health Care Worker Self-Referral
23 Act;

24 (24) Having treated patients other than by the practice
25 of occupational therapy as defined in this Act, or having
26 treated patients as a licensed occupational therapist

1 independent of a referral from a physician, advanced
2 practice nurse or physician assistant in accordance with
3 Section 3.1, dentist, podiatric physician, or optometrist,
4 or having failed to notify the physician, advanced practice
5 nurse, physician assistant, dentist, podiatric physician,
6 or optometrist who established a diagnosis that the patient
7 is receiving occupational therapy pursuant to that
8 diagnosis;

9 (25) Cheating on or attempting to subvert the licensing
10 examination administered under this Act; and

11 (26) Charging for professional services not rendered,
12 including filing false statements for the collection of
13 fees for which services are not rendered.

14 All fines imposed under this Section shall be paid within
15 60 days after the effective date of the order imposing the fine
16 or in accordance with the terms set forth in the order imposing
17 the fine.

18 (b) The determination by a circuit court that a license
19 holder is subject to involuntary admission or judicial
20 admission as provided in the Mental Health and Developmental
21 Disabilities Code, as now or hereafter amended, operates as an
22 automatic suspension. Such suspension will end only upon a
23 finding by a court that the patient is no longer subject to
24 involuntary admission or judicial admission and an order by the
25 court so finding and discharging the patient. In any case where
26 a license is suspended under this provision, the licensee shall

1 file a petition for restoration and shall include evidence
2 acceptable to the Department that the licensee can resume
3 practice in compliance with acceptable and prevailing
4 standards of their profession.

5 (c) The Department may refuse to issue or may suspend
6 without hearing, as provided for in the Code of Civil
7 Procedure, the license of any person who fails to file a
8 return, to pay the tax, penalty, or interest shown in a filed
9 return, or to pay any final assessment of tax, penalty, or
10 interest as required by any tax Act administered by the
11 Illinois Department of Revenue, until such time as the
12 requirements of any such tax Act are satisfied in accordance
13 with subsection (a) of Section 2105-15 of the Department of
14 Professional Regulation Law of the Civil Administrative Code of
15 Illinois.

16 (d) In enforcing this Section, the Department, upon a
17 showing of a possible violation, may compel any individual who
18 is licensed under this Act or any individual who has applied
19 for licensure to submit to a mental or physical examination or
20 evaluation, or both, which may include a substance abuse or
21 sexual offender evaluation, at the expense of the Department.
22 The Department shall specifically designate the examining
23 physician licensed to practice medicine in all of its branches
24 or, if applicable, the multidisciplinary team involved in
25 providing the mental or physical examination and evaluation.
26 The multidisciplinary team shall be led by a physician licensed

1 to practice medicine in all of its branches and may consist of
2 one or more or a combination of physicians licensed to practice
3 medicine in all of its branches, licensed chiropractic
4 physicians, licensed clinical psychologists, licensed clinical
5 social workers, licensed clinical professional counselors, and
6 other professional and administrative staff. Any examining
7 physician or member of the multidisciplinary team may require
8 any person ordered to submit to an examination and evaluation
9 pursuant to this Section to submit to any additional
10 supplemental testing deemed necessary to complete any
11 examination or evaluation process, including, but not limited
12 to, blood testing, urinalysis, psychological testing, or
13 neuropsychological testing.

14 The Department may order the examining physician or any
15 member of the multidisciplinary team to provide to the
16 Department any and all records, including business records,
17 that relate to the examination and evaluation, including any
18 supplemental testing performed. The Department may order the
19 examining physician or any member of the multidisciplinary team
20 to present testimony concerning this examination and
21 evaluation of the licensee or applicant, including testimony
22 concerning any supplemental testing or documents relating to
23 the examination and evaluation. No information, report,
24 record, or other documents in any way related to the
25 examination and evaluation shall be excluded by reason of any
26 common law or statutory privilege relating to communication

1 between the licensee or applicant and the examining physician
2 or any member of the multidisciplinary team. No authorization
3 is necessary from the licensee or applicant ordered to undergo
4 an evaluation and examination for the examining physician or
5 any member of the multidisciplinary team to provide
6 information, reports, records, or other documents or to provide
7 any testimony regarding the examination and evaluation. The
8 individual to be examined may have, at his or her own expense,
9 another physician of his or her choice present during all
10 aspects of the examination.

11 Failure of any individual to submit to mental or physical
12 examination or evaluation, or both, when directed, shall result
13 in an automatic suspension without hearing, until such time as
14 the individual submits to the examination. If the Department
15 finds a licensee unable to practice because of the reasons set
16 forth in this Section, the Department shall require the
17 licensee to submit to care, counseling, or treatment by
18 physicians approved or designated by the Department as a
19 condition for continued, reinstated, or renewed licensure.

20 When the Secretary immediately suspends a license under
21 this Section, a hearing upon such person's license must be
22 convened by the Department within 15 days after the suspension
23 and completed without appreciable delay. The Department shall
24 have the authority to review the licensee's record of treatment
25 and counseling regarding the impairment to the extent permitted
26 by applicable federal statutes and regulations safeguarding

1 the confidentiality of medical records.

2 Individuals licensed under this Act that are affected under
3 this Section, shall be afforded an opportunity to demonstrate
4 to the Department that they can resume practice in compliance
5 with acceptable and prevailing standards under the provisions
6 of their license.

7 (e) The Department shall deny a license or renewal
8 authorized by this Act to a person who has defaulted on an
9 educational loan or scholarship provided or guaranteed by the
10 Illinois Student Assistance Commission or any governmental
11 agency of this State in accordance with paragraph (7) ~~(5)~~ of
12 subsection (a) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois.

15 (f) In cases where the Department of Healthcare and Family
16 Services has previously determined a licensee or a potential
17 licensee is more than 30 days delinquent in the payment of
18 child support and has subsequently certified the delinquency to
19 the Department, the Department may refuse to issue or renew or
20 may revoke or suspend that person's license or may take other
21 disciplinary action against that person based solely upon the
22 certification of delinquency made by the Department of
23 Healthcare and Family Services in accordance with paragraph (9)
24 ~~(5)~~ of subsection (a) of Section 2105-15 of the Department of
25 Professional Regulation Law of the Civil Administrative Code of
26 Illinois.

1 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;
2 98-756, eff. 7-16-14.)

3 Section 40. The Orthotics, Prosthetics, and Pedorthics
4 Practice Act is amended by changing Section 90 as follows:

5 (225 ILCS 84/90)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 90. Grounds for discipline.

8 (a) The Department may refuse to issue or renew a license,
9 or may revoke or suspend a license, or may suspend, place on
10 probation, or reprimand a licensee or take other disciplinary
11 or non-disciplinary action as the Department may deem proper,
12 including, but not limited to, the imposition of fines not to
13 exceed \$10,000 for each violation for one or any combination of
14 the following:

15 (1) Making a material misstatement in furnishing
16 information to the Department or the Board.

17 (2) Violations of or negligent or intentional
18 disregard of this Act or its rules.

19 (3) Conviction of, or entry of a plea of guilty or nolo
20 contendere to any crime that is a felony under the laws of
21 the United States or any state or territory thereof or that
22 is a misdemeanor of which an essential element is
23 dishonesty, or any crime that is directly related to the
24 practice of the profession.

1 (4) Making a misrepresentation for the purpose of
2 obtaining a license.

3 (5) A pattern of practice or other behavior that
4 demonstrates incapacity or incompetence to practice under
5 this Act.

6 (6) Gross negligence under this Act.

7 (7) Aiding or assisting another person in violating a
8 provision of this Act or its rules.

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

11 (9) Engaging in dishonorable, unethical, or
12 unprofessional conduct or conduct of a character likely to
13 deceive, defraud, or harm the public.

14 (10) Inability to practice with reasonable judgment,
15 skill, or safety as a result of habitual or excessive use
16 or addiction to alcohol, narcotics, stimulants, or any
17 other chemical agent or drug.

18 (11) Discipline by another state or territory of the
19 United States, the federal government, or foreign nation,
20 if at least one of the grounds for the discipline is the
21 same or substantially equivalent to one set forth in this
22 Section.

23 (12) Directly or indirectly giving to or receiving from
24 a person, firm, corporation, partnership, or association a
25 fee, commission, rebate, or other form of compensation for
26 professional services not actually or personally rendered.

1 Nothing in this paragraph (12) affects any bona fide
2 independent contractor or employment arrangements among
3 health care professionals, health facilities, health care
4 providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (12) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered.

12 (13) A finding by the Board that the licensee or
13 registrant, after having his or her license placed on
14 probationary status, has violated the terms of probation.

15 (14) Abandonment of a patient or client.

16 (15) Willfully making or filing false records or
17 reports in his or her practice including, but not limited
18 to, false records filed with State agencies or departments.

19 (16) Willfully failing to report an instance of
20 suspected child abuse or neglect as required by the Abused
21 and Neglected Child Reporting Act.

22 (17) Inability to practice the profession with
23 reasonable judgment, skill, or safety as a result of a
24 physical illness, including, but not limited to,
25 deterioration through the aging process or loss of motor
26 skill, or a mental illness or disability.

1 (18) Solicitation of professional services using false
2 or misleading advertising.

3 (b) In enforcing this Section, the Department or Board upon
4 a showing of a possible violation, may compel a licensee or
5 applicant to submit to a mental or physical examination, or
6 both, as required by and at the expense of the Department. The
7 Department or Board may order the examining physician to
8 present testimony concerning the mental or physical
9 examination of the licensee or applicant. No information shall
10 be excluded by reason of any common law or statutory privilege
11 relating to communications between the licensee or applicant
12 and the examining physician. The examining physicians shall be
13 specifically designated by the Board or Department. The
14 individual to be examined may have, at his or her own expense,
15 another physician of his or her choice present during all
16 aspects of this examination. Failure of an individual to submit
17 to a mental or physical examination, when directed, shall be
18 grounds for the immediate suspension of his or her license
19 until the individual submits to the examination if the
20 Department finds that the refusal to submit to the examination
21 was without reasonable cause as defined by rule.

22 In instances in which the Secretary immediately suspends a
23 person's license for his or her failure to submit to a mental
24 or physical examination, when directed, a hearing on that
25 person's license must be convened by the Department within 15
26 days after the suspension and completed without appreciable

1 delay.

2 In instances in which the Secretary otherwise suspends a
3 person's license pursuant to the results of a compelled mental
4 or physical examination, a hearing on that person's license
5 must be convened by the Department within 15 days after the
6 suspension and completed without appreciable delay. The
7 Department and Board shall have the authority to review the
8 subject individual's record of treatment and counseling
9 regarding the impairment to the extent permitted by applicable
10 federal statutes and regulations safeguarding the
11 confidentiality of medical records.

12 An individual licensed under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate to
14 the Department or Board that he or she can resume practice in
15 compliance with acceptable and prevailing standards under the
16 provisions of his or her license.

17 (c) The Department shall deny a license or renewal
18 authorized by this Act to a person who has defaulted on an
19 educational loan or scholarship provided or guaranteed by the
20 Illinois Student Assistance Commission or any governmental
21 agency of this State in accordance with subsection item (7) of
22 subsection (a) ~~(a)(5)~~ of Section 2105-15 of the Department of
23 Professional Regulation Law of the Civil Administrative Code of
24 Illinois (20 ILCS 2105/2105-15).

25 (d) In cases where the Department of Healthcare and Family
26 Services (formerly Department of Public Aid) has previously

1 determined that a licensee or a potential licensee is more than
2 30 days delinquent in the payment of child support and has
3 subsequently certified the delinquency to the Department, the
4 Department may refuse to issue or renew or may revoke or
5 suspend that person's license or may take other disciplinary
6 action against that person based solely upon the certification
7 of delinquency made by the Department of Healthcare and Family
8 Services in accordance with item (9) of subsection (a)
9 ~~subsection (a)(5)~~ of Section 2105-15 of the Department of
10 Professional Regulation Law of the Civil Administrative Code of
11 Illinois (20 ILCS 2105/2105-15).

12 (e) The Department may refuse to issue or renew a license,
13 or may revoke or suspend a license, for failure to file a
14 return, to pay the tax, penalty, or interest shown in a filed
15 return, or to pay any final assessment of tax, penalty, or
16 interest as required by any tax Act administered by the
17 Department of Revenue, until such time as the requirements of
18 the tax Act are satisfied in accordance with subsection (g) of
19 Section 2105-15 of the Department of Professional Regulation
20 Law of the Civil Administrative Code of Illinois (20 ILCS
21 2105/2105-15).

22 (Source: P.A. 98-756, eff. 7-16-14.)

23 Section 45. The Professional Counselor and Clinical
24 Professional Counselor Licensing and Practice Act is amended by
25 changing Section 80 as follows:

1 (225 ILCS 107/80)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 80. Grounds for discipline.

4 (a) The Department may refuse to issue, renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as the Department
7 deems appropriate, including the issuance of fines not to
8 exceed \$10,000 for each violation, with regard to any license
9 for any one or more of the following:

10 (1) Material misstatement in furnishing information to
11 the Department or to any other State agency.

12 (2) Violations or negligent or intentional disregard
13 of this Act or rules adopted under this Act.

14 (3) Conviction by plea of guilty or nolo contendere,
15 finding of guilt, jury verdict, or entry of judgment or by
16 sentencing of any crime, including, but not limited to,
17 convictions, preceding sentences of supervision,
18 conditional discharge, or first offender probation, under
19 the laws of any jurisdiction of the United States: (i) that
20 is a felony or (ii) that is a misdemeanor, an essential
21 element of which is dishonesty, or that is directly related
22 to the practice of the profession.

23 (4) Fraud or any misrepresentation in applying for or
24 procuring a license under this Act or in connection with
25 applying for renewal of a license under this Act.

1 (5) Professional incompetence or gross negligence in
2 the rendering of professional counseling or clinical
3 professional counseling services.

4 (6) Malpractice.

5 (7) Aiding or assisting another person in violating any
6 provision of this Act or any rules.

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

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

13 (10) Habitual or excessive use or abuse of drugs as
14 defined in law as controlled substances, alcohol, or any
15 other substance which results in inability to practice with
16 reasonable skill, judgment, or safety.

17 (11) Discipline by another jurisdiction, the District
18 of Columbia, territory, county, or governmental agency, if
19 at least one of the grounds for the discipline is the same
20 or substantially equivalent to those set forth in this
21 Section.

22 (12) Directly or indirectly giving to or receiving from
23 any person, firm, corporation, partnership, or association
24 any fee, commission, rebate or other form of compensation
25 for any professional service not actually rendered.
26 Nothing in this paragraph (12) affects any bona fide

1 independent contractor or employment arrangements among
2 health care professionals, health facilities, health care
3 providers, or other entities, except as otherwise
4 prohibited by law. Any employment arrangements may include
5 provisions for compensation, health insurance, pension, or
6 other employment benefits for the provision of services
7 within the scope of the licensee's practice under this Act.
8 Nothing in this paragraph (12) shall be construed to
9 require an employment arrangement to receive professional
10 fees for services rendered.

11 (13) A finding by the Board that the licensee, after
12 having the license placed on probationary status, has
13 violated the terms of probation.

14 (14) Abandonment of a client.

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

19 (16) Willfully failing to report an instance of
20 suspected child abuse or neglect as required by the Abused
21 and Neglected Child Reporting Act and in matters pertaining
22 to suspected abuse, neglect, financial exploitation, or
23 self-neglect of adults with disabilities and older adults
24 as set forth in the Adult Protective Services Act.

25 (17) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

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

6 (18) Physical or mental illness or disability,
7 including, but not limited to, deterioration through the
8 aging process or loss of abilities and skills which results
9 in the inability to practice the profession with reasonable
10 judgment, skill, or safety.

11 (19) Solicitation of professional services by using
12 false or misleading advertising.

13 (20) Allowing one's license under this Act to be used
14 by an unlicensed person in violation of this Act.

15 (21) A finding that licensure has been applied for or
16 obtained by fraudulent means.

17 (22) Practicing under a false or, except as provided by
18 law, an assumed name.

19 (23) Gross and willful overcharging for professional
20 services including filing statements for collection of
21 fees or monies for which services are not rendered.

22 (24) Rendering professional counseling or clinical
23 professional counseling services without a license or
24 practicing outside the scope of a license.

25 (25) Clinical supervisors failing to adequately and
26 responsibly monitor supervisees.

1 All fines imposed under this Section shall be paid within
2 60 days after the effective date of the order imposing the
3 fine.

4 (b) The Department shall deny, without hearing, any
5 application or renewal for a license under this Act to any
6 person who has defaulted on an educational loan guaranteed by
7 the Illinois State Assistance Commission or any governmental
8 agency of this State in accordance with item (7) ~~(5)~~ of
9 subsection (a) of Section 2105-15 of the Department of
10 Professional Regulation Law of the Civil Administrative Code of
11 Illinois.

12 (b-5) The Department may refuse to issue or may suspend
13 without hearing, as provided for in the Code of Civil
14 Procedure, the license of any person who fails to file a
15 return, pay the tax, penalty, or interest shown in a filed
16 return, or pay any final assessment of the tax, penalty, or
17 interest as required by any tax Act administered by the
18 Illinois Department of Revenue, until such time as the
19 requirements of any such tax Act are satisfied in accordance
20 with subsection (g) of Section 2105-15 of the Department of
21 Professional Regulation Law of the Civil Administrative Code of
22 Illinois.

23 (b-10) In cases where the Department of Healthcare and
24 Family Services has previously determined a licensee or a
25 potential licensee is more than 30 days delinquent in the
26 payment of child support and has subsequently certified the

1 delinquency to the Department, the Department may refuse to
2 issue or renew or may revoke or suspend that person's license
3 or may take other disciplinary action against that person based
4 solely upon the certification of delinquency made by the
5 Department of Healthcare and Family Services in accordance with
6 item (9) ~~(5)~~ of subsection (a) of Section 2105-15 of the
7 Department of Professional Regulation Law of the Civil
8 Administrative Code of Illinois.

9 (c) The determination by a court that a licensee is subject
10 to involuntary admission or judicial admission as provided in
11 the Mental Health and Developmental Disabilities Code will
12 result in an automatic suspension of his or her license. The
13 suspension will end upon a finding by a court that the licensee
14 is no longer subject to involuntary admission or judicial
15 admission, the issuance of an order so finding and discharging
16 the patient, and the recommendation of the Board to the
17 Secretary that the licensee be allowed to resume professional
18 practice.

19 (c-5) In enforcing this Act, the Department, upon a showing
20 of a possible violation, may compel an individual licensed to
21 practice under this Act, or who has applied for licensure under
22 this Act, to submit to a mental or physical examination, or
23 both, as required by and at the expense of the Department. The
24 Department may order the examining physician to present
25 testimony concerning the mental or physical examination of the
26 licensee or applicant. No information shall be excluded by

1 reason of any common law or statutory privilege relating to
2 communications between the licensee or applicant and the
3 examining physician. The examining physicians shall be
4 specifically designated by the Department. The individual to be
5 examined may have, at his or her own expense, another physician
6 of his or her choice present during all aspects of this
7 examination. The examination shall be performed by a physician
8 licensed to practice medicine in all its branches. Failure of
9 an individual to submit to a mental or physical examination,
10 when directed, shall result in an automatic suspension without
11 hearing.

12 A person holding a license under this Act or who has
13 applied for a license under this Act who, because of a physical
14 or mental illness or disability, including, but not limited to,
15 deterioration through the aging process or loss of motor skill,
16 is unable to practice the profession with reasonable judgment,
17 skill, or safety, may be required by the Department to submit
18 to care, counseling, or treatment by physicians approved or
19 designated by the Department as a condition, term, or
20 restriction for continued, reinstated, or renewed licensure to
21 practice. Submission to care, counseling, or treatment as
22 required by the Department shall not be considered discipline
23 of a license. If the licensee refuses to enter into a care,
24 counseling, or treatment agreement or fails to abide by the
25 terms of the agreement, the Department may file a complaint to
26 revoke, suspend, or otherwise discipline the license of the

1 individual. The Secretary may order the license suspended
2 immediately, pending a hearing by the Department. Fines shall
3 not be assessed in disciplinary actions involving physical or
4 mental illness or impairment.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that person's
7 license must be convened by the Department within 15 days after
8 the suspension and completed without appreciable delay. The
9 Department shall have the authority to review the subject
10 individual's record of treatment and counseling regarding the
11 impairment to the extent permitted by applicable federal
12 statutes and regulations safeguarding the confidentiality of
13 medical records.

14 An individual licensed under this Act and affected under
15 this Section shall be afforded an opportunity to demonstrate to
16 the Department that he or she can resume practice in compliance
17 with acceptable and prevailing standards under the provisions
18 of his or her license.

19 (d) (Blank).

20 (Source: P.A. 97-706, eff. 6-25-12; 98-49, eff. 7-1-13.)

21 Section 50. The Sex Offender Evaluation and Treatment
22 Provider Act is amended by changing Section 75 as follows:

23 (225 ILCS 109/75)

24 Sec. 75. Refusal, revocation, or suspension.

1 (a) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary or nondisciplinary action, as the Department
4 considers appropriate, including the imposition of fines not to
5 exceed \$10,000 for each violation, with regard to any license
6 or licensee for any one or more of the following:

7 (1) violations of this Act or of the rules adopted
8 under this Act;

9 (2) discipline by the Department under other state law
10 and rules which the licensee is subject to;

11 (3) conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing for any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States: (i) that
17 is a felony; or (ii) that is a misdemeanor, an essential
18 element of which is dishonesty, or that is directly related
19 to the practice of the profession;

20 (4) professional incompetence;

21 (5) advertising in a false, deceptive, or misleading
22 manner;

23 (6) aiding, abetting, assisting, procuring, advising,
24 employing, or contracting with any unlicensed person to
25 provide sex offender evaluation or treatment services
26 contrary to any rules or provisions of this Act;

1 (7) engaging in immoral conduct in the commission of
2 any act, such as sexual abuse, sexual misconduct, or sexual
3 exploitation, related to the licensee's practice;

4 (8) engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public;

7 (9) practicing or offering to practice beyond the scope
8 permitted by law or accepting and performing professional
9 responsibilities which the licensee knows or has reason to
10 know that he or she is not competent to perform;

11 (10) knowingly delegating professional
12 responsibilities to a person unqualified by training,
13 experience, or licensure to perform;

14 (11) failing to provide information in response to a
15 written request made by the Department within 60 days;

16 (12) having a habitual or excessive use of or addiction
17 to alcohol, narcotics, stimulants, or any other chemical
18 agent or drug which results in the inability to practice
19 with reasonable judgment, skill, or safety;

20 (13) having a pattern of practice or other behavior
21 that demonstrates incapacity or incompetence to practice
22 under this Act;

23 (14) discipline by another state, District of
24 Columbia, territory, or foreign nation, if at least one of
25 the grounds for the discipline is the same or substantially
26 equivalent to those set forth in this Section;

1 (15) a finding by the Department that the licensee,
2 after having his or her license placed on probationary
3 status, has violated the terms of probation;

4 (16) willfully making or filing false records or
5 reports in his or her practice, including, but not limited
6 to, false records filed with State agencies or departments;

7 (17) making a material misstatement in furnishing
8 information to the Department or otherwise making
9 misleading, deceptive, untrue, or fraudulent
10 representations in violation of this Act or otherwise in
11 the practice of the profession;

12 (18) fraud or misrepresentation in applying for or
13 procuring a license under this Act or in connection with
14 applying for renewal of a license under this Act;

15 (19) inability to practice the profession with
16 reasonable judgment, skill, or safety as a result of
17 physical illness, including, but not limited to,
18 deterioration through the aging process, loss of motor
19 skill, or a mental illness or disability;

20 (20) charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered; or

23 (21) practicing under a false or, except as provided by
24 law, an assumed name.

25 All fines shall be paid within 60 days of the effective
26 date of the order imposing the fine.

1 (b) The Department may refuse to issue or may suspend the
2 license of any person who fails to file a tax return, to pay
3 the tax, penalty, or interest shown in a filed tax return, or
4 to pay any final assessment of tax, penalty, or interest, as
5 required by any tax Act administered by the Illinois Department
6 of Revenue, until such time as the requirements of the tax Act
7 are satisfied in accordance with subsection (g) of Section
8 2105-15 of the Civil Administrative Code of Illinois.

9 (c) The Department shall deny a license or renewal
10 authorized by this Act to a person who has defaulted on an
11 educational loan or scholarship provided or guaranteed by the
12 Illinois Student Assistance Commission or any governmental
13 agency of this State in accordance with item (7) ~~(5)~~ of
14 subsection (a) of Section 2105-15 of the Civil Administrative
15 Code of Illinois.

16 (d) In cases where the Department of Healthcare and Family
17 Services has previously determined that a licensee or a
18 potential licensee is more than 30 days delinquent in the
19 payment of child support and has subsequently certified the
20 delinquency to the Department, the Department may refuse to
21 issue or renew or may revoke or suspend that person's license
22 or may take other disciplinary action against that person based
23 solely upon the certification of delinquency made by the
24 Department of Healthcare and Family Services in accordance with
25 item (9) ~~(5)~~ of subsection (a) of Section 2105-15 of the Civil
26 Administrative Code of Illinois.

1 (e) The determination by a circuit court that a licensee is
2 subject to involuntary admission or judicial admission, as
3 provided in the Mental Health and Developmental Disabilities
4 Code, operates as an automatic suspension. The suspension will
5 end only upon a finding by a court that the patient is no
6 longer subject to involuntary admission or judicial admission
7 and the issuance of a court order so finding and discharging
8 the patient.

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

1 an automatic suspension without hearing.

2 A person holding a license under this Act or who has
3 applied for a license under this Act who, because of a physical
4 or mental illness or disability, including, but not limited to,
5 deterioration through the aging process or loss of motor skill,
6 is unable to practice the profession with reasonable judgment,
7 skill, or safety, may be required by the Department to submit
8 to care, counseling, or treatment by physicians approved or
9 designated by the Department as a condition, term, or
10 restriction for continued, reinstated, or renewed licensure to
11 practice. Submission to care, counseling, or treatment as
12 required by the Department shall not be considered discipline
13 of a license. If the licensee refuses to enter into a care,
14 counseling, or treatment agreement or fails to abide by the
15 terms of the agreement, the Department may file a complaint to
16 revoke, suspend, or otherwise discipline the license of the
17 individual. The Secretary may order the license suspended
18 immediately, pending a hearing by the Department. Fines shall
19 not be assessed in disciplinary actions involving physical or
20 mental illness or impairment.

21 In instances in which the Secretary immediately suspends a
22 person's license under this Section, a hearing on that person's
23 license must be convened by the Department within 15 days after
24 the suspension and completed without appreciable delay. The
25 Department and Board shall have the authority to review the
26 subject individual's record of treatment and counseling

1 regarding the impairment to the extent permitted by applicable
2 federal statutes and regulations safeguarding the
3 confidentiality of medical records.

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

9 (Source: P.A. 97-1098, eff. 7-1-13; 98-756, eff. 7-16-14.)

10 Section 55. The Veterinary Medicine and Surgery Practice
11 Act of 2004 is amended by changing Section 25 as follows:

12 (225 ILCS 115/25) (from Ch. 111, par. 7025)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 25. Disciplinary actions.

15 1. The Department may refuse to issue or renew, or may
16 revoke, suspend, place on probation, reprimand, or take other
17 disciplinary or non-disciplinary action as the Department may
18 deem appropriate, including imposing fines not to exceed
19 \$10,000 for each violation and the assessment of costs as
20 provided for in Section 25.3 of this Act, with regard to any
21 license or certificate for any one or combination of the
22 following:

23 A. Material misstatement in furnishing information to
24 the Department.

1 B. Violations of this Act, or of the rules adopted
2 pursuant to this Act.

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

12 D. Fraud or any misrepresentation in applying for or
13 procuring a license under this Act or in connection with
14 applying for renewal of a license under this Act.

15 E. Professional incompetence.

16 F. Malpractice.

17 G. Aiding or assisting another person in violating any
18 provision of this Act or rules.

19 H. Failing, within 60 days, to provide information in
20 response to a written request made by the Department.

21 I. Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 J. Habitual or excessive use or abuse of drugs defined
25 in law as controlled substances, alcohol, or any other
26 substance that results in the inability to practice with

1 reasonable judgment, skill, or safety.

2 K. Discipline by another state, unit of government,
3 government agency, District of Columbia, territory, or
4 foreign nation, if at least one of the grounds for the
5 discipline is the same or substantially equivalent to those
6 set forth herein.

7 L. Charging for professional services not rendered,
8 including filing false statements for the collection of
9 fees for which services are not rendered.

10 M. A finding by the Board that the licensee or
11 certificate holder, after having his license or
12 certificate placed on probationary status, has violated
13 the terms of probation.

14 N. Willfully making or filing false records or reports
15 in his practice, including but not limited to false records
16 filed with State agencies or departments.

17 O. Physical illness, including but not limited to,
18 deterioration through the aging process, or loss of motor
19 skill which results in the inability to practice under this
20 Act with reasonable judgment, skill, or safety.

21 P. Solicitation of professional services other than
22 permitted advertising.

23 Q. Allowing one's license under this Act to be used by
24 an unlicensed person in violation of this Act.

25 R. Conviction of or cash compromise of a charge or
26 violation of the Harrison Act or the Illinois Controlled

1 Substances Act, regulating narcotics.

2 S. Fraud or dishonesty in applying, treating, or
3 reporting on tuberculin or other biological tests.

4 T. Failing to report, as required by law, or making
5 false report of any contagious or infectious diseases.

6 U. Fraudulent use or misuse of any health certificate,
7 shipping certificate, brand inspection certificate, or
8 other blank forms used in practice that might lead to the
9 dissemination of disease or the transportation of diseased
10 animals dead or alive; or dilatory methods, willful
11 neglect, or misrepresentation in the inspection of milk,
12 meat, poultry, and the by-products thereof.

13 V. Conviction on a charge of cruelty to animals.

14 W. Failure to keep one's premises and all equipment
15 therein in a clean and sanitary condition.

16 X. Failure to provide satisfactory proof of having
17 participated in approved continuing education programs.

18 Y. Mental illness or disability that results in the
19 inability to practice under this Act with reasonable
20 judgment, skill, or safety.

21 Z. Conviction by any court of competent jurisdiction,
22 either within or outside this State, of any violation of
23 any law governing the practice of veterinary medicine, if
24 the Department determines, after investigation, that the
25 person has not been sufficiently rehabilitated to warrant
26 the public trust.

1 AA. Promotion of the sale of drugs, devices,
2 appliances, or goods provided for a patient in any manner
3 to exploit the client for financial gain of the
4 veterinarian.

5 BB. Gross, willful, or continued overcharging for
6 professional services.

7 CC. Practicing under a false or, except as provided by
8 law, an assumed name.

9 DD. Violating state or federal laws or regulations
10 relating to controlled substances or legend drugs.

11 EE. Cheating on or attempting to subvert the licensing
12 examination administered under this Act.

13 FF. Using, prescribing, or selling a prescription drug
14 or the extra-label use of a prescription drug by any means
15 in the absence of a valid veterinarian-client-patient
16 relationship.

17 GG. Failing to report a case of suspected aggravated
18 cruelty, torture, or animal fighting pursuant to Section
19 3.07 or 4.01 of the Humane Care for Animals Act or Section
20 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
21 Code of 2012.

22 All fines imposed under this Section shall be paid within
23 60 days after the effective date of the order imposing the fine
24 or in accordance with the terms set forth in the order imposing
25 the fine.

26 2. The determination by a circuit court that a licensee or

1 certificate holder is subject to involuntary admission or
2 judicial admission as provided in the Mental Health and
3 Developmental Disabilities Code operates as an automatic
4 suspension. The suspension will end only upon a finding by a
5 court that the patient is no longer subject to involuntary
6 admission or judicial admission and issues an order so finding
7 and discharging the patient. In any case where a license is
8 suspended under this provision, the licensee shall file a
9 petition for restoration and shall include evidence acceptable
10 to the Department that the licensee can resume practice in
11 compliance with acceptable and prevailing standards of his or
12 her ~~their~~ profession.

13 3. All proceedings to suspend, revoke, place on
14 probationary status, or take any other disciplinary action as
15 the Department may deem proper, with regard to a license or
16 certificate on any of the foregoing grounds, must be commenced
17 within 5 years after receipt by the Department of a complaint
18 alleging the commission of or notice of the conviction order
19 for any of the acts described in this Section. Except for
20 proceedings brought for violations of items (CC), (DD), or
21 (EE), no action shall be commenced more than 5 years after the
22 date of the incident or act alleged to have violated this
23 Section. In the event of the settlement of any claim or cause
24 of action in favor of the claimant or the reduction to final
25 judgment of any civil action in favor of the plaintiff, the
26 claim, cause of action, or civil action being grounded on the

1 allegation that a person licensed or certified under this Act
2 was negligent in providing care, the Department shall have an
3 additional period of one year from the date of the settlement
4 or final judgment in which to investigate and begin formal
5 disciplinary proceedings under Section 25.2 of this Act, except
6 as otherwise provided by law. The time during which the holder
7 of the license or certificate was outside the State of Illinois
8 shall not be included within any period of time limiting the
9 commencement of disciplinary action by the Department.

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

20 5. In enforcing this Section, the Department, upon a
21 showing of a possible violation, may compel any individual who
22 is registered under this Act or any individual who has applied
23 for registration to submit to a mental or physical examination
24 or evaluation, or both, which may include a substance abuse or
25 sexual offender evaluation, at the expense of the Department.
26 The Department shall specifically designate the examining

1 physician licensed to practice medicine in all of its branches
2 or, if applicable, the multidisciplinary team involved in
3 providing the mental or physical examination and evaluation.
4 The multidisciplinary team shall be led by a physician licensed
5 to practice medicine in all of its branches and may consist of
6 one or more or a combination of physicians licensed to practice
7 medicine in all of its branches, licensed chiropractic
8 physicians, licensed clinical psychologists, licensed clinical
9 social workers, licensed clinical professional counselors, and
10 other professional and administrative staff. Any examining
11 physician or member of the multidisciplinary team may require
12 any person ordered to submit to an examination and evaluation
13 pursuant to this Section to submit to any additional
14 supplemental testing deemed necessary to complete any
15 examination or evaluation process, including, but not limited
16 to, blood testing, urinalysis, psychological testing, or
17 neuropsychological testing.

18 The Department may order the examining physician or any
19 member of the multidisciplinary team to provide to the
20 Department any and all records, including business records,
21 that relate to the examination and evaluation, including any
22 supplemental testing performed. The Department may order the
23 examining physician or any member of the multidisciplinary team
24 to present testimony concerning this examination and
25 evaluation of the registrant or applicant, including testimony
26 concerning any supplemental testing or documents relating to

1 the examination and evaluation. No information, report,
2 record, or other documents in any way related to the
3 examination and evaluation shall be excluded by reason of any
4 common law or statutory privilege relating to communication
5 between the licensee or applicant and the examining physician
6 or any member of the multidisciplinary team. No authorization
7 is necessary from the registrant or applicant ordered to
8 undergo an evaluation and examination for the examining
9 physician or any member of the multidisciplinary team to
10 provide information, reports, records, or other documents or to
11 provide any testimony regarding the examination and
12 evaluation. The individual to be examined may have, at his or
13 her own expense, another physician of his or her choice present
14 during all aspects of the examination.

15 Failure of any individual to submit to mental or physical
16 examination or evaluation, or both, when directed, shall result
17 in an automatic suspension without hearing, until such time as
18 the individual submits to the examination. If the Department
19 finds a registrant unable to practice because of the reasons
20 set forth in this Section, the Department shall require such
21 registrant to submit to care, counseling, or treatment by
22 physicians approved or designated by the Department as a
23 condition for continued, reinstated, or renewed registration.

24 In instances in which the Secretary immediately suspends a
25 registration under this Section, a hearing upon such person's
26 registration must be convened by the Department within 15 days

1 after such suspension and completed without appreciable delay.
2 The Department shall have the authority to review the
3 registrant's record of treatment and counseling regarding the
4 impairment to the extent permitted by applicable federal
5 statutes and regulations safeguarding the confidentiality of
6 medical records.

7 Individuals registered under this Act who ~~that~~ are affected
8 under this Section, shall be afforded an opportunity to
9 demonstrate to the Department that they can resume practice in
10 compliance with acceptable and prevailing standards under the
11 provisions of their registration.

12 6. The Department shall deny a license or renewal
13 authorized by this Act to a person who has defaulted on an
14 educational loan or scholarship provided or guaranteed by the
15 Illinois Student Assistance Commission or any governmental
16 agency of this State in accordance with item (7) ~~paragraph (5)~~
17 of subsection (a) of Section 2105-15 of the Civil
18 Administrative Code of Illinois.

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

1 Healthcare and Family Services in accordance with item (9)
2 ~~paragraph (5)~~ of subsection (a) of Section 2105-15 ~~1205-15~~ of
3 the Civil Administrative Code of Illinois.

4 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
5 98-339, eff. 12-31-13; revised 11-25-14.)

6 Section 60. The Perfusionist Practice Act is amended by
7 changing Section 105 as follows:

8 (225 ILCS 125/105)

9 (Section scheduled to be repealed on January 1, 2020)

10 Sec. 105. Disciplinary actions.

11 (a) The Department may refuse to issue, renew, or restore a
12 license, or may revoke or suspend a license, or may place on
13 probation, reprimand, or take other disciplinary or
14 non-disciplinary action with regard to a person licensed under
15 this Act, including but not limited to the imposition of fines
16 not to exceed \$10,000 for each violation, for one or any
17 combination of the following causes:

18 (1) Making a material misstatement in furnishing
19 information to the Department.

20 (2) Violation of this Act or any rule promulgated under
21 this Act.

22 (3) Conviction of, or entry of a plea of guilty or nolo
23 contendere to, any crime that is a felony under the laws of
24 the United States or any state or territory thereof, or any

1 crime that is a misdemeanor of which an essential element
2 is dishonesty, or any crime that is directly related to the
3 practice as a perfusionist.

4 (4) Making a misrepresentation for the purpose of
5 obtaining, renewing, or restoring a license.

6 (5) Aiding or assisting another person in violating a
7 provision of this Act or its rules.

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

10 (7) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public, as defined by rule of the
13 Department.

14 (8) Discipline by another state, the District of
15 Columbia, or territory, or a foreign nation, if at least
16 one of the grounds for discipline is the same or
17 substantially equivalent to those set forth in this
18 Section.

19 (9) Directly or indirectly giving to or receiving from
20 a person, firm, corporation, partnership, or association a
21 fee, commission, rebate, or other form of compensation for
22 professional services not actually or personally rendered.
23 Nothing in this paragraph (9) affects any bona fide
24 independent contractor or employment arrangements among
25 health care professionals, health facilities, health care
26 providers, or other entities, except as otherwise

1 prohibited by law. Any employment arrangements may include
2 provisions for compensation, health insurance, pension, or
3 other employment benefits for the provision of services
4 within the scope of the licensee's practice under this Act.
5 Nothing in this paragraph (9) shall be construed to require
6 an employment arrangement to receive professional fees for
7 services rendered.

8 (10) A finding by the Board that the licensee, after
9 having his or her license placed on probationary status,
10 has violated the terms of probation.

11 (11) Wilfully making or filing false records or reports
12 in his or her practice, including but not limited to false
13 records or reports filed with State agencies or
14 departments.

15 (12) Wilfully making or signing a false statement,
16 certificate, or affidavit to induce payment.

17 (13) Wilfully failing to report an instance of
18 suspected child abuse or neglect as required under the
19 Abused and Neglected Child Reporting Act.

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

26 (15) Employment of fraud, deception, or any unlawful

1 means in applying for or securing a license as a
2 perfusionist.

3 (16) Allowing another person to use his or her license
4 to practice.

5 (17) Failure to report to the Department (A) any
6 adverse final action taken against the licensee by another
7 licensing jurisdiction, government agency, law enforcement
8 agency, or any court or (B) liability for conduct that
9 would constitute grounds for action as set forth in this
10 Section.

11 (18) Inability to practice the profession with
12 reasonable judgment, skill or safety as a result of a
13 physical illness, including but not limited to
14 deterioration through the aging process or loss of motor
15 skill, or a mental illness or disability.

16 (19) Inability to practice the profession for which he
17 or she is licensed with reasonable judgment, skill, or
18 safety as a result of habitual or excessive use or
19 addiction to alcohol, narcotics, stimulants, or any other
20 chemical agent or drug.

21 (20) Gross malpractice.

22 (21) Immoral conduct in the commission of an act
23 related to the licensee's practice, including but not
24 limited to sexual abuse, sexual misconduct, or sexual
25 exploitation.

26 (22) Violation of the Health Care Worker Self-Referral

1 Act.

2 (23) Solicitation of business or professional
3 services, other than permitted advertising.

4 (24) Conviction of or cash compromise of a charge or
5 violation of the Illinois Controlled Substances Act.

6 (25) Gross, willful, or continued overcharging for
7 professional services, including filing false statements
8 for collection of fees for which services are not rendered.

9 (26) Practicing under a false name or, except as
10 allowed by law, an assumed name.

11 (27) Violating any provision of this Act or the rules
12 promulgated under this Act, including, but not limited to,
13 advertising.

14 (b) A licensee or applicant who, because of a physical or
15 mental illness or disability, including, but not limited to,
16 deterioration through the aging process or loss of motor skill,
17 is unable to practice the profession with reasonable judgment,
18 skill, or safety, may be required by the Department to submit
19 to care, counseling or treatment by physicians approved or
20 designated by the Department, as a condition, term, or
21 restriction for continued, reinstated, or renewed licensure to
22 practice. Submission to care, counseling or treatment as
23 required by the Department shall not be considered discipline
24 of the licensee. If the licensee refuses to enter into a care,
25 counseling or treatment agreement or fails to abide by the
26 terms of the agreement the Department may file a complaint to

1 suspend or revoke the license or otherwise discipline the
2 licensee. The Secretary may order the license suspended
3 immediately, pending a hearing by the Department. Fines shall
4 not be assessed in the disciplinary actions involving physical
5 or mental illness or impairment.

6 (b-5) The Department may refuse to issue or may suspend,
7 without a hearing as provided for in the Civil Administrative
8 Code of Illinois, the license of a person who fails to file a
9 return, to pay the tax, penalty, or interest shown in a filed
10 return, or to pay any final assessment of tax, penalty, or
11 interest as required by any tax Act administered by the
12 Department of Revenue, until such time as the requirements of
13 the tax Act are satisfied in accordance with subsection (g) of
14 Section 2105-15 of the Department of Professional Regulation
15 Law of the Civil Administrative Code of Illinois (20 ILCS
16 2105/2105-15).

17 (c) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental Disabilities
20 Code, as amended, operates as an automatic suspension. The
21 suspension will end only upon a finding by a court that the
22 licensee is no longer subject to the involuntary admission or
23 judicial admission and issues an order so finding and
24 discharging the licensee; and upon the recommendation of the
25 Board to the Secretary that the licensee be allowed to resume
26 his or her practice.

1 (d) In enforcing this Section, the Department or Board,
2 upon a showing of a possible violation, may order a licensee or
3 applicant to submit to a mental or physical examination, or
4 both, at the expense of the Department. The Department or Board
5 may order the examining physician to present testimony
6 concerning his or her examination of the licensee or applicant.
7 No information shall be excluded by reason of any common law or
8 statutory privilege relating to communications between the
9 licensee or applicant and the examining physician. The
10 examining physicians shall be specifically designated by the
11 Board or Department. The licensee or applicant may have, at his
12 or her own expense, another physician of his or her choice
13 present during all aspects of the examination. Failure of a
14 licensee or applicant to submit to any such examination when
15 directed, without reasonable cause as defined by rule, shall be
16 grounds for either the immediate suspension of his or her
17 license or immediate denial of his or her application.

18 If the Secretary immediately suspends the license of a
19 licensee for his or her failure to submit to a mental or
20 physical examination when directed, a hearing must be convened
21 by the Department within 15 days after the suspension and
22 completed without appreciable delay.

23 If the Secretary otherwise suspends a license pursuant to
24 the results of the licensee's mental or physical examination, a
25 hearing must be convened by the Department within 15 days after
26 the suspension and completed without appreciable delay. The

1 Department and Board shall have the authority to review the
2 licensee's record of treatment and counseling regarding the
3 relevant impairment or impairments to the extent permitted by
4 applicable federal statutes and regulations safeguarding the
5 confidentiality of medical records.

6 Any licensee suspended or otherwise affected under this
7 subsection (d) shall be afforded an opportunity to demonstrate
8 to the Department or Board that he or she can resume practice
9 in compliance with the acceptable and prevailing standards
10 under the provisions of his or her license.

11 (Source: P.A. 98-756, eff. 7-16-14.)

12 Section 65. The Registered Surgical Assistant and
13 Registered Surgical Technologist Title Protection Act is
14 amended by changing Section 75 as follows:

15 (225 ILCS 130/75)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 75. Grounds for disciplinary action.

18 (a) The Department may refuse to issue, renew, or restore a
19 registration, may revoke or suspend a registration, or may
20 place on probation, reprimand, or take other disciplinary or
21 non-disciplinary action with regard to a person registered
22 under this Act, including but not limited to the imposition of
23 fines not to exceed \$10,000 for each violation and the
24 assessment of costs as provided for in Section 90, for any one

1 or combination of the following causes:

2 (1) Making a material misstatement in furnishing
3 information to the Department.

4 (2) Violating a provision of this Act or rules adopted
5 under this Act.

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

15 (4) Fraud or misrepresentation in applying for,
16 renewing, restoring, reinstating, or procuring a
17 registration under this Act.

18 (5) Aiding or assisting another person in violating a
19 provision of this Act or its rules.

20 (6) Failing to provide information within 60 days in
21 response to a written request made by the Department.

22 (7) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public, as defined by rule of the
25 Department.

26 (8) Discipline by another United States jurisdiction,

1 governmental agency, unit of government, or foreign
2 nation, if at least one of the grounds for discipline is
3 the same or substantially equivalent to those set forth in
4 this Section.

5 (9) Directly or indirectly giving to or receiving from
6 a person, firm, corporation, partnership, or association a
7 fee, commission, rebate, or other form of compensation for
8 professional services not actually or personally rendered.
9 Nothing in this paragraph (9) affects any bona fide
10 independent contractor or employment arrangements among
11 health care professionals, health facilities, health care
12 providers, or other entities, except as otherwise
13 prohibited by law. Any employment arrangements may include
14 provisions for compensation, health insurance, pension, or
15 other employment benefits for the provision of services
16 within the scope of the registrant's practice under this
17 Act. Nothing in this paragraph (9) shall be construed to
18 require an employment arrangement to receive professional
19 fees for services rendered.

20 (10) A finding by the Department that the registrant,
21 after having his or her registration placed on probationary
22 status, has violated the terms of probation.

23 (11) Willfully making or filing false records or
24 reports in his or her practice, including but not limited
25 to false records or reports filed with State agencies.

26 (12) Willfully making or signing a false statement,

1 certificate, or affidavit to induce payment.

2 (13) Willfully failing to report an instance of
3 suspected child abuse or neglect as required under the
4 Abused and Neglected Child Reporting Act.

5 (14) Being named as a perpetrator in an indicated
6 report by the Department of Children and Family Services
7 under the Abused and Neglected Child Reporting Act and upon
8 proof by clear and convincing evidence that the registrant
9 has caused a child to be an abused child or neglected child
10 as defined in the Abused and Neglected Child Reporting Act.

11 (15) (Blank).

12 (16) Failure to report to the Department (A) any
13 adverse final action taken against the registrant by
14 another registering or licensing jurisdiction, government
15 agency, law enforcement agency, or any court or (B)
16 liability for conduct that would constitute grounds for
17 action as set forth in this Section.

18 (17) Habitual or excessive use or abuse of drugs
19 defined in law as controlled substances, alcohol, or any
20 other substance that results in the inability to practice
21 with reasonable judgment, skill, or safety.

22 (18) Physical or mental illness, including but not
23 limited to deterioration through the aging process or loss
24 of motor skills, which results in the inability to practice
25 the profession for which he or she is registered with
26 reasonable judgment, skill, or safety.

1 (19) Gross malpractice.

2 (20) Immoral conduct in the commission of an act
3 related to the registrant's practice, including but not
4 limited to sexual abuse, sexual misconduct, or sexual
5 exploitation.

6 (21) Violation of the Health Care Worker Self-Referral
7 Act.

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

17 (c) The determination by a circuit court that a registrant
18 is subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental Disabilities
20 Code operates as an automatic suspension. The suspension will
21 end only upon (1) a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission,
23 (2) issuance of an order so finding and discharging the
24 patient, and (3) filing of a petition for restoration
25 demonstrating fitness to practice.

26 (d) The Department shall deny a registration or renewal

1 authorized by this Act to a person who has defaulted on an
2 educational loan or scholarship provided or guaranteed by the
3 Illinois Student Assistance Commission or any governmental
4 agency of this State in accordance with item (7) ~~paragraph (5)~~
5 of subsection (a) of Section 2105-15 of the Department of
6 Regulation Law of the Civil Administrative Code of Illinois.

7 (e) In cases where the Department of Healthcare and Family
8 Services has previously determined a registrant or a potential
9 registrant is more than 30 days delinquent in the payment of
10 child support and has subsequently certified the delinquency to
11 the Department, the Department may refuse to issue or renew or
12 may revoke or suspend that person's registration or may take
13 other disciplinary action against that person based solely upon
14 the certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with item (9)
16 ~~paragraph (5)~~ of subsection (a) of Section 2105-15 of the
17 Department of Professional Regulation Law of the Civil
18 Administrative Code of Illinois.

19 (f) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any individual
21 registered under this Act or any individual who has applied for
22 registration to submit to a mental or physical examination and
23 evaluation, or both, that may include a substance abuse or
24 sexual offender evaluation, at the expense of the Department.
25 The Department shall specifically designate the examining
26 physician licensed to practice medicine in all of its branches

1 or, if applicable, the multidisciplinary team involved in
2 providing the mental or physical examination and evaluation, or
3 both. The multidisciplinary team shall be led by a physician
4 licensed to practice medicine in all of its branches and may
5 consist of one or more or a combination of physicians licensed
6 to practice medicine in all of its branches, licensed
7 chiropractic physicians, licensed clinical psychologists,
8 licensed clinical social workers, licensed clinical
9 professional counselors, and other professional and
10 administrative staff. Any examining physician or member of the
11 multidisciplinary team may require any person ordered to submit
12 to an examination and evaluation pursuant to this Section to
13 submit to any additional supplemental testing deemed necessary
14 to complete any examination or evaluation process, including,
15 but not limited to, blood testing, urinalysis, psychological
16 testing, or neuropsychological testing.

17 The Department may order the examining physician or any
18 member of the multidisciplinary team to provide to the
19 Department any and all records, including business records,
20 that relate to the examination and evaluation, including any
21 supplemental testing performed. The Department may order the
22 examining physician or any member of the multidisciplinary team
23 to present testimony concerning this examination and
24 evaluation of the registrant or applicant, including testimony
25 concerning any supplemental testing or documents relating to
26 the examination and evaluation. No information, report,

1 record, or other documents in any way related to the
2 examination and evaluation shall be excluded by reason of any
3 common law or statutory privilege relating to communication
4 between the registrant or applicant and the examining physician
5 or any member of the multidisciplinary team. No authorization
6 is necessary from the registrant or applicant ordered to
7 undergo an evaluation and examination for the examining
8 physician or any member of the multidisciplinary team to
9 provide information, reports, records, or other documents or to
10 provide any testimony regarding the examination and
11 evaluation. The individual to be examined may have, at his or
12 her own expense, another physician of his or her choice present
13 during all aspects of the examination.

14 Failure of any individual to submit to mental or physical
15 examination and evaluation, or both, when directed, shall
16 result in an automatic suspension without a hearing until such
17 time as the individual submits to the examination. If the
18 Department finds a registrant unable to practice because of the
19 reasons set forth in this Section, the Department shall require
20 such registrant to submit to care, counseling, or treatment by
21 physicians approved or designated by the Department as a
22 condition for continued, reinstated, or renewed registration.

23 When the Secretary immediately suspends a registration
24 under this Section, a hearing upon such person's registration
25 must be convened by the Department within 15 days after such
26 suspension and completed without appreciable delay. The

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

6 Individuals registered under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate to
8 the Department that they can resume practice in compliance with
9 acceptable and prevailing standards under the provisions of
10 their registration.

11 (g) All fines imposed under this Section shall be paid
12 within 60 days after the effective date of the order imposing
13 the fine or in accordance with the terms set forth in the order
14 imposing the fine.

15 (Source: P.A. 98-364, eff. 12-31-13.)

16 Section 70. The Genetic Counselor Licensing Act is amended
17 by changing Section 95 as follows:

18 (225 ILCS 135/95)

19 (Section scheduled to be repealed on January 1, 2025)

20 Sec. 95. Grounds for discipline.

21 (a) The Department may refuse to issue, renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action as the Department
24 deems appropriate, including the issuance of fines not to

1 exceed \$10,000 for each violation, with regard to any license
2 for any one or more of the following:

3 (1) Material misstatement in furnishing information to
4 the Department or to any other State agency.

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

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

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

19 (5) Negligence in the rendering of genetic counseling
20 services.

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

25 (7) Aiding or assisting another person in violating any
26 provision of this Act or any rules.

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

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

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

10 (10.5) Failure to maintain client records of services
11 provided and provide copies to clients upon request.

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

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

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

23 (14) Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership, or association
25 any fee, commission, rebate, or other form of compensation
26 for any professional service not actually rendered.

1 Nothing in this paragraph (14) affects any bona fide
2 independent contractor or employment arrangements among
3 health care professionals, health facilities, health care
4 providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (14) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered.

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

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

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

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

25 (19) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

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

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

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

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

19 (23) Fraud or making any misrepresentation in applying
20 for or procuring a license under this Act or in connection
21 with applying for renewal of a license under this Act.

22 (24) Practicing or attempting to practice under a name
23 other than the full name as shown on the license or any
24 other legally authorized name.

25 (25) Gross overcharging for professional services,
26 including filing statements for collection of fees or

1 monies for which services are not rendered.

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

11 (27) Charging for professional services not rendered,
12 including filing false statements for the collection of
13 fees for which services are not rendered.

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

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

23 (c) The determination by a court that a licensee is subject
24 to involuntary admission or judicial admission as provided in
25 the Mental Health and Developmental Disabilities Code will
26 result in an automatic suspension of his or her license. The

1 suspension will end upon a finding by a court that the licensee
2 is no longer subject to involuntary admission or judicial
3 admission, the issuance of an order so finding and discharging
4 the patient, and the determination of the Secretary that the
5 licensee be allowed to resume professional practice.

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

15 (e) In cases where the Department of Healthcare and Family
16 Services has previously determined that a licensee or a
17 potential licensee is more than 30 days delinquent in the
18 payment of child support and has subsequently certified the
19 delinquency to the Department, the Department may refuse to
20 issue or renew or may revoke or suspend that person's license
21 or may take other disciplinary action against that person based
22 solely upon the certification of delinquency made by the
23 Department of Healthcare and Family Services in accordance with
24 item (9) ~~(5)~~ of subsection (a) of Section 2105-15 of the
25 Department of Professional Regulation Law of the Civil
26 Administrative Code of Illinois.

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

5 (Source: P.A. 97-813, eff. 7-13-12; 98-813, eff. 1-1-15.)

6 Section 75. The Illinois Architecture Practice Act of 1989
7 is amended by changing Section 22 as follows:

8 (225 ILCS 305/22) (from Ch. 111, par. 1322)

9 (Section scheduled to be repealed on January 1, 2020)

10 Sec. 22. Refusal, suspension and revocation of licenses;
11 causes.

12 (a) The Department may, singularly or in combination,
13 refuse to issue, renew or restore, or may suspend, revoke,
14 place on probation, or take other disciplinary or
15 non-disciplinary action as deemed appropriate, including, but
16 not limited to, the imposition of fines not to exceed \$10,000
17 for each violation, as the Department may deem proper, with
18 regard to a license for any one or combination of the following
19 causes:

20 (1) material misstatement in furnishing information to
21 the Department;

22 (2) negligence, incompetence or misconduct in the
23 practice of architecture;

24 (3) failure to comply with any of the provisions of

1 this Act or any of the rules;

2 (4) making any misrepresentation for the purpose of
3 obtaining licensure;

4 (5) purposefully making false statements or signing
5 false statements, certificates or affidavits to induce
6 payment;

7 (6) conviction of or plea of guilty or nolo contendere
8 to any crime that is a felony under the laws of the United
9 States or any state or territory thereof or that is a
10 misdemeanor, an essential element of which is dishonesty,
11 or any crime that is directly related to the practice of
12 the profession of architecture;

13 (7) aiding or assisting another person in violating any
14 provision of this Act or its rules;

15 (8) signing, affixing the architect's seal or
16 permitting the architect's seal to be affixed to any
17 technical submission not prepared by the architect or under
18 that architect's responsible control;

19 (9) engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public;

22 (10) habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 that results in the inability to practice with reasonable
25 judgment, skill, or safety;

26 (11) making a statement of compliance pursuant to the

1 Environmental Barriers Act that technical submissions
2 prepared by the architect or prepared under the architect's
3 responsible control for construction or alteration of an
4 occupancy required to be in compliance with the
5 Environmental Barriers Act are in compliance with the
6 Environmental Barriers Act when such technical submissions
7 are not in compliance;

8 (12) a finding by the Board that an applicant or
9 registrant has failed to pay a fine imposed by the
10 Department or a registrant, whose license has been placed
11 on probationary status, has violated the terms of
12 probation;

13 (13) discipline by another state, territory, foreign
14 country, the District of Columbia, the United States
15 government, or any other governmental agency, if at least
16 one of the grounds for discipline is the same or
17 substantially equivalent to those set forth herein;

18 (14) failure to provide information in response to a
19 written request made by the Department within 30 days after
20 the receipt of such written request;

21 (15) physical illness, including, but not limited to,
22 deterioration through the aging process or loss of motor
23 skill, mental illness, or disability which results in the
24 inability to practice the profession with reasonable
25 judgment, skill, and safety, including without limitation
26 deterioration through the aging process, mental illness,

1 or disability.

2 (a-5) In enforcing this Section, the Department or Board,
3 upon a showing of a possible violation, may order a licensee or
4 applicant to submit to a mental or physical examination, or
5 both, at the expense of the Department. The Department or Board
6 may order the examining physician to present testimony
7 concerning his or her examination of the licensee or applicant.
8 No information shall be excluded by reason of any common law or
9 statutory privilege relating to communications between the
10 licensee or applicant and the examining physician. The
11 examining physicians shall be specifically designated by the
12 Board or Department. The licensee or applicant may have, at his
13 or her own expense, another physician of his or her choice
14 present during all aspects of the examination. Failure of a
15 licensee or applicant to submit to any such examination when
16 directed, without reasonable cause as defined by rule, shall be
17 grounds for either the immediate suspension of his or her
18 license or immediate denial of his or her application.

19 If the Secretary immediately suspends the license of a
20 licensee for his or her failure to submit to a mental or
21 physical examination when directed, a hearing must be convened
22 by the Department within 15 days after the suspension and
23 completed without appreciable delay.

24 If the Secretary otherwise suspends a license pursuant to
25 the results of the licensee's mental or physical examination, a
26 hearing must be convened by the Department within 15 days after

1 the suspension and completed without appreciable delay. The
2 Department and Board shall have the authority to review the
3 licensee's record of treatment and counseling regarding the
4 relevant impairment or impairments to the extent permitted by
5 applicable federal statutes and regulations safeguarding the
6 confidentiality of medical records.

7 Any licensee suspended under this subsection (a-5) shall be
8 afforded an opportunity to demonstrate to the Department or
9 Board that he or she can resume practice in compliance with the
10 acceptable and prevailing standards under the provisions of his
11 or her license.

12 (b) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission, as
14 provided in the Mental Health and Developmental Disabilities
15 Code, operates as an automatic suspension. Such suspension will
16 end only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission,
18 the issuance of an order so finding and discharging the
19 patient, and the recommendation of the Board to the Secretary
20 that the licensee be allowed to resume practice.

21 (c) The Department shall deny a license or renewal
22 authorized by this Act to a person who has defaulted on an
23 educational loan or scholarship provided or guaranteed by the
24 Illinois Student Assistance Commission or any governmental
25 agency of this State in accordance with item (7) of subsection
26 (a) subdivision (a)(5) of Section 2105-15 of the Department of

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois.

3 (d) In cases where the Department of Healthcare and Family
4 Services (formerly the Department of Public Aid) has previously
5 determined that a licensee or a potential licensee is more than
6 30 days delinquent in the payment of child support and has
7 subsequently certified the delinquency to the Department, the
8 Department shall refuse to issue or renew or shall revoke or
9 suspend that person's license or shall take other disciplinary
10 action against that person based solely upon the certification
11 of delinquency made by the Department of Healthcare and Family
12 Services in accordance with item (9) of subsection (a)
13 ~~subdivision (a) (5)~~ of Section 2105-15 of the Department of
14 Professional Regulation Law of the Civil Administrative Code of
15 Illinois.

16 (e) The Department shall deny a license or renewal
17 authorized by this Act to a person who has failed to file a
18 return, to pay the tax, penalty, or interest shown in a filed
19 return, or to pay any final assessment of tax, penalty, or
20 interest as required by any tax Act administered by the
21 Department of Revenue, until such time as the requirements of
22 the tax Act are satisfied in accordance with subsection (g) of
23 Section 2105-15 of the Department of Professional Regulation
24 Law of the Civil Administrative Code of Illinois.

25 (f) Persons who assist the Department as consultants or
26 expert witnesses in the investigation or prosecution of alleged

1 violations of the Act, licensure matters, restoration
2 proceedings, or criminal prosecutions, shall not be liable for
3 damages in any civil action or proceeding as a result of such
4 assistance, except upon proof of actual malice. The attorney
5 general shall defend such persons in any such action or
6 proceeding.

7 (Source: P.A. 98-756, eff. 7-16-14.)

8 Section 80. The Professional Engineering Practice Act of
9 1989 is amended by changing Section 24 as follows:

10 (225 ILCS 325/24) (from Ch. 111, par. 5224)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 24. Rules of professional conduct; disciplinary or
13 administrative action.

14 (a) The Department shall adopt rules setting standards of
15 professional conduct and establish appropriate penalties for
16 the breach of such rules.

17 (a-1) The Department may, singularly or in combination,
18 refuse to issue, renew, or restore a license or may revoke,
19 suspend, place on probation, reprimand, or take other
20 disciplinary or non-disciplinary action with regard to a person
21 licensed under this Act, including but not limited to, the
22 imposition of a fine not to exceed \$10,000 per violation upon
23 any person, corporation, partnership, or professional design
24 firm licensed or registered under this Act, for any one or

1 combination of the following causes:

2 (1) Material misstatement in furnishing information to
3 the Department.

4 (2) Violations of this Act or any of its rules.

5 (3) Conviction of or entry of a plea of guilty or nolo
6 contendere to any crime that is a felony under the laws of
7 the United States or any state or territory thereof, or
8 that is a misdemeanor, an essential element of which is
9 dishonesty, or any crime that is directly related to the
10 practice of engineering.

11 (4) Making any misrepresentation for the purpose of
12 obtaining, renewing, or restoring a license or violating
13 any provision of this Act or the rules promulgated under
14 this Act pertaining to advertising.

15 (5) Willfully making or signing a false statement,
16 certificate, or affidavit to induce payment.

17 (6) Negligence, incompetence or misconduct in the
18 practice of professional engineering as a licensed
19 professional engineer or in working as an engineer intern.

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

22 (8) Failing to provide information in response to a
23 written request made by the Department within 30 days after
24 receipt of such written request.

25 (9) Engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public.

2 (10) Inability to practice the profession with
3 reasonable judgment, skill, or safety as a result of a
4 physical illness, including, but not limited to,
5 deterioration through the aging process or loss of motor
6 skill, or mental illness or disability.

7 (11) Discipline by the United States Government,
8 another state, District of Columbia, territory, foreign
9 nation or government agency, if at least one of the grounds
10 for the discipline is the same or substantially equivalent
11 to those set forth in this Act.

12 (12) Directly or indirectly giving to or receiving from
13 any person, firm, corporation, partnership or association
14 any fee, commission, rebate or other form of compensation
15 for any professional services not actually or personally
16 rendered.

17 (13) A finding by the Department that an applicant or
18 registrant has failed to pay a fine imposed by the
19 Department, a registrant whose license has been placed on
20 probationary status has violated the terms of probation, or
21 a registrant has practiced on an expired, inactive,
22 suspended, or revoked license.

23 (14) Signing, affixing the professional engineer's
24 seal or permitting the professional engineer's seal to be
25 affixed to any technical submissions not prepared as
26 required by Section 14 or completely reviewed by the

1 professional engineer or under the professional engineer's
2 direct supervision.

3 (15) Inability to practice the profession with
4 reasonable judgment, skill or safety as a result of
5 habitual or excessive use or addiction to alcohol,
6 narcotics, stimulants, or any other chemical agent or drug.

7 (16) The making of a statement pursuant to the
8 Environmental Barriers Act that a plan for construction or
9 alteration of a public facility or for construction of a
10 multi-story housing unit is in compliance with the
11 Environmental Barriers Act when such plan is not in
12 compliance.

13 (17) (Blank).

14 (a-2) The Department shall deny a license or renewal
15 authorized by this Act to a person who has failed to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Department of Revenue, until such time as the requirements of
20 the tax Act are satisfied in accordance with subsection (g) of
21 Section 2105-15 of the Department of Professional Regulation
22 Law of the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15).

24 (a-3) The Department shall deny a license or renewal
25 authorized by this Act to a person who has defaulted on an
26 educational loan or scholarship provided or guaranteed by the

1 Illinois Student Assistance Commission or any governmental
2 agency of this State in accordance with item (7) of subsection
3 (a) ~~subdivision (a) (5)~~ of Section 2105-15 of the Department of
4 Professional Regulation Law of the Civil Administrative Code of
5 Illinois (20 ILCS 2105/2105-15).

6 (a-4) In cases where the Department of Healthcare and
7 Family Services (formerly the Department of Public Aid) has
8 previously determined that a licensee or a potential licensee
9 is more than 30 days delinquent in the payment of child support
10 and has subsequently certified the delinquency to the
11 Department, the Department shall refuse to issue or renew or
12 shall revoke or suspend that person's license or shall take
13 other disciplinary action against that person based solely upon
14 the certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with item (9) of
16 subsection (a) ~~subdivision (a) (5)~~ of Section 2105-15 of the
17 Department of Professional Regulation Law of the Civil
18 Administrative Code of Illinois (20 ILCS 2105/2105-15).

19 (a-5) In enforcing this Section, the Department or Board,
20 upon a showing of a possible violation, may order a licensee or
21 applicant to submit to a mental or physical examination, or
22 both, at the expense of the Department. The Department or Board
23 may order the examining physician to present testimony
24 concerning his or her examination of the licensee or applicant.
25 No information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician. The
2 examining physicians shall be specifically designated by the
3 Board or Department. The licensee or applicant may have, at his
4 or her own expense, another physician of his or her choice
5 present during all aspects of the examination. Failure of a
6 licensee or applicant to submit to any such examination when
7 directed, without reasonable cause as defined by rule, shall be
8 grounds for either the immediate suspension of his or her
9 license or immediate denial of his or her application.

10 If the Secretary immediately suspends the license of a
11 licensee for his or her failure to submit to a mental or
12 physical examination when directed, a hearing must be convened
13 by the Department within 15 days after the suspension and
14 completed without appreciable delay.

15 If the Secretary otherwise suspends a license pursuant to
16 the results of the licensee's mental or physical examination, a
17 hearing must be convened by the Department within 15 days after
18 the suspension and completed without appreciable delay. The
19 Department and Board shall have the authority to review the
20 licensee's record of treatment and counseling regarding the
21 relevant impairment or impairments to the extent permitted by
22 applicable federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 Any licensee suspended under this subsection (a-5) shall be
25 afforded an opportunity to demonstrate to the Department or
26 Board that he or she can resume practice in compliance with the

1 acceptable and prevailing standards under the provisions of his
2 or her license.

3 (b) The determination by a circuit court that a registrant
4 is subject to involuntary admission or judicial admission as
5 provided in the Mental Health and Developmental Disabilities
6 Code, as now or hereafter amended, operates as an automatic
7 suspension. Such suspension will end only upon a finding by a
8 court that the patient is no longer subject to involuntary
9 admission or judicial admission, the issuance of an order so
10 finding and discharging the patient, and the recommendation of
11 the Board to the Director that the registrant be allowed to
12 resume practice.

13 (Source: P.A. 98-756, eff. 7-16-14.)

14 Section 85. The Illinois Professional Land Surveyor Act of
15 1989 is amended by changing Section 27 as follows:

16 (225 ILCS 330/27) (from Ch. 111, par. 3277)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 27. Grounds for disciplinary action.

19 (a) The Department may refuse to issue or renew a license,
20 or may place on probation or administrative supervision,
21 suspend, or revoke any license, or may reprimand or take any
22 disciplinary or non-disciplinary action as the Department may
23 deem proper, including the imposition of fines not to exceed
24 \$10,000 per violation, upon any person, corporation,

1 partnership, or professional land surveying firm licensed or
2 registered under this Act for any of the following reasons:

3 (1) material misstatement in furnishing information to
4 the Department;

5 (2) violation, including, but not limited to, neglect
6 or intentional disregard, of this Act, or its rules;

7 (3) conviction of, or entry of a plea of guilty or nolo
8 contendere to, any crime that is a felony under the laws of
9 the United States or any state or territory thereof or that
10 is a misdemeanor of which an essential element is
11 dishonesty, or any crime that is directly related to the
12 practice of the profession;

13 (4) making any misrepresentation for the purpose of
14 obtaining a license, or in applying for restoration or
15 renewal, or the practice of any fraud or deceit in taking
16 any examination to qualify for licensure under this Act;

17 (5) purposefully making false statements or signing
18 false statements, certificates, or affidavits to induce
19 payment;

20 (6) proof of carelessness, incompetence, negligence,
21 or misconduct in practicing land surveying;

22 (7) aiding or assisting another person in violating any
23 provision of this Act or its rules;

24 (8) failing to provide information in response to a
25 written request made by the Department within 30 days after
26 receipt of such written request;

1 (9) engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public;

4 (10) inability to practice with reasonable judgment,
5 skill, or safety as a result of habitual or excessive use
6 of, or addiction to, alcohol, narcotics, stimulants or any
7 other chemical agent or drug;

8 (11) discipline by the United States government,
9 another state, District of Columbia, territory, foreign
10 nation or government agency if at least one of the grounds
11 for the discipline is the same or substantially equivalent
12 to those set forth in this Act;

13 (12) directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate, or other form of compensation
16 for any professional services not actually or personally
17 rendered;

18 (12.5) issuing a map or plat of survey where the fee
19 for professional services is contingent on a real estate
20 transaction closing;

21 (13) a finding by the Department that an applicant or
22 licensee has failed to pay a fine imposed by the Department
23 or a licensee whose license has been placed on probationary
24 status has violated the terms of probation;

25 (14) practicing on an expired, inactive, suspended, or
26 revoked license;

1 (15) signing, affixing the Professional Land
2 Surveyor's seal or permitting the Professional Land
3 Surveyor's seal to be affixed to any map or plat of survey
4 not prepared by the Professional Land Surveyor or under the
5 Professional Land Surveyor's direct supervision and
6 control;

7 (16) inability to practice the profession with
8 reasonable judgment, skill, or safety as a result of
9 physical illness, including, but not limited to,
10 deterioration through the aging process or loss of motor
11 skill or a mental illness or disability;

12 (17) (blank); or

13 (18) failure to adequately supervise or control land
14 surveying operations being performed by subordinates.

15 (a-5) In enforcing this Section, the Department or Board,
16 upon a showing of a possible violation, may compel a person
17 licensed to practice under this Act, or who has applied for
18 licensure or certification pursuant to this Act, to submit to a
19 mental or physical examination, or both, as required by and at
20 the expense of the Department. The Department or Board may
21 order the examining physician to present testimony concerning
22 the mental or physical examination of the licensee or
23 applicant. No information shall be excluded by reason of any
24 common law or statutory privilege relating to communications
25 between the licensee or applicant and the examining physician.
26 The examining physicians shall be specifically designated by

1 the Board or Department. The individual to be examined may
2 have, at his or her own expense, another physician of his or
3 her choice present during all aspects of the examination.
4 Failure of an individual to submit to a mental or physical
5 examination when directed shall be grounds for the immediate
6 suspension of his or her license until the individual submits
7 to the examination if the Department finds that the refusal to
8 submit to the examination was without reasonable cause as
9 defined by rule.

10 If the Secretary immediately suspends the license of a
11 licensee for his or her failure to submit to a mental or
12 physical examination when directed, a hearing must be convened
13 by the Department within 15 days after the suspension and
14 completed without appreciable delay.

15 If the Secretary otherwise suspends a person's license
16 pursuant to the results of a compelled mental or physical
17 examination, a hearing on that person's license must be
18 convened by the Department within 15 days after the suspension
19 and completed without appreciable delay. The Department and
20 Board shall have the authority to review the subject
21 individual's record of treatment and counseling regarding
22 impairment to the extent permitted by applicable federal
23 statutes and regulations safeguarding the confidentiality of
24 medical records.

25 Any licensee suspended under this subsection (a-5) shall be
26 afforded an opportunity to demonstrate to the Department or

1 Board that he or she can resume practice in compliance with the
2 acceptable and prevailing standards under the provisions of his
3 or her license.

4 (b) The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code, as now or hereafter amended, operates as an automatic
8 license suspension. Such suspension will end only upon a
9 finding by a court that the patient is no longer subject to
10 involuntary admission or judicial admission and the issuance of
11 an order so finding and discharging the patient and upon the
12 recommendation of the Board to the Director that the licensee
13 be allowed to resume his or her practice.

14 (c) The Department shall deny a license or renewal
15 authorized by this Act to a person who has defaulted on an
16 educational loan or scholarship provided or guaranteed by the
17 Illinois Student Assistance Commission or any governmental
18 agency of this State in accordance with item (7) of subsection
19 (a) subdivision (a)(5) of Section 2105-15 of the Department of
20 Professional Regulation Law of the Civil Administrative Code of
21 Illinois (20 ILCS 2105/2105-15).

22 (d) In cases where the Department of Healthcare and Family
23 Services (formerly the Department of Public Aid) has previously
24 determined that a licensee or a potential licensee is more than
25 30 days delinquent in the payment of child support and has
26 subsequently certified the delinquency to the Department, the

1 Department shall refuse to issue or renew or shall revoke or
2 suspend that person's license or shall take other disciplinary
3 action against that person based solely upon the certification
4 of delinquency made by the Department of Healthcare and Family
5 Services in accordance with item (9) of subsection (a)
6 ~~subdivision (a) (5)~~ of Section 2105-15 of the Department of
7 Professional Regulation Law of the Civil Administrative Code of
8 Illinois (20 ILCS 2105/2105-15).

9 (e) The Department shall refuse to issue or renew or shall
10 revoke or suspend a person's license or shall take other
11 disciplinary action against that person for his or her failure
12 to file a return, to pay the tax, penalty, or interest shown in
13 a filed return, or to pay any final assessment of tax, penalty,
14 or interest as required by any tax Act administered by the
15 Department of Revenue, until such time as the requirements of
16 the tax Act are satisfied in accordance with subsection (g) of
17 Section 2105-15 of the Department of Professional Regulation
18 Law of the Civil Administrative Code of Illinois (20 ILCS
19 2105/2105-15).

20 (Source: P.A. 98-756, eff. 7-16-14.)

21 Section 90. The Structural Engineering Practice Act of 1989
22 is amended by changing Section 20 as follows:

23 (225 ILCS 340/20) (from Ch. 111, par. 6620)

24 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 20. Refusal; revocation; suspension.

2 (a) The Department may refuse to issue or renew, or may
3 revoke a license, or may suspend, place on probation, fine, or
4 take any disciplinary or non-disciplinary action as the
5 Department may deem proper, including a fine not to exceed
6 \$10,000 for each violation, with regard to any licensee for any
7 one or combination of the following reasons:

8 (1) Material misstatement in furnishing information to
9 the Department;

10 (2) Negligence, incompetence or misconduct in the
11 practice of structural engineering;

12 (3) Making any misrepresentation for the purpose of
13 obtaining licensure;

14 (4) The affixing of a licensed structural engineer's
15 seal to any plans, specifications or drawings which have
16 not been prepared by or under the immediate personal
17 supervision of that licensed structural engineer or
18 reviewed as provided in this Act;

19 (5) Conviction of, or entry of a plea of guilty or nolo
20 contendere to, any crime that is a felony under the laws of
21 the United States or of any state or territory thereof, or
22 that is a misdemeanor an essential element of which is
23 dishonesty, or any crime that is directly related to the
24 practice of the profession;

25 (6) Making a statement of compliance pursuant to the
26 Environmental Barriers Act, as now or hereafter amended,

1 that a plan for construction or alteration of a public
2 facility or for construction of a multi-story housing unit
3 is in compliance with the Environmental Barriers Act when
4 such plan is not in compliance;

5 (7) Failure to comply with any of the provisions of
6 this Act or its rules;

7 (8) Aiding or assisting another person in violating any
8 provision of this Act or its rules;

9 (9) Engaging in dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public, as defined by rule;

12 (10) Habitual or excessive use or addiction to alcohol,
13 narcotics, stimulants, or any other chemical agent or drug
14 that results in the inability to practice with reasonable
15 judgment, skill, or safety;

16 (11) Failure of an applicant or licensee to pay a fine
17 imposed by the Department or a licensee whose license has
18 been placed on probationary status has violated the terms
19 of probation;

20 (12) Discipline by another state, territory, foreign
21 country, the District of Columbia, the United States
22 government, or any other governmental agency, if at least
23 one of the grounds for discipline is the same or
24 substantially equivalent to those set forth in this
25 Section;

26 (13) Failure to provide information in response to a

1 written request made by the Department within 30 days after
2 the receipt of such written request; or

3 (14) Physical illness, including but not limited to,
4 deterioration through the aging process or loss of motor
5 skill, mental illness, or disability which results in the
6 inability to practice the profession of structural
7 engineering with reasonable judgment, skill, or safety.

8 (a-5) In enforcing this Section, the Department or Board,
9 upon a showing of a possible violation, may order a licensee or
10 applicant to submit to a mental or physical examination, or
11 both, at the expense of the Department. The Department or Board
12 may order the examining physician to present testimony
13 concerning his or her examination of the licensee or applicant.
14 No information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The licensee or applicant may have, at his
19 or her own expense, another physician of his or her choice
20 present during all aspects of the examination. Failure of a
21 licensee or applicant to submit to any such examination when
22 directed, without reasonable cause as defined by rule, shall be
23 grounds for either the immediate suspension of his or her
24 license or immediate denial of his or her application.

25 If the Secretary immediately suspends the license of a
26 licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened
2 by the Department within 15 days after the suspension and
3 completed without appreciable delay.

4 If the Secretary otherwise suspends a license pursuant to
5 the results of the licensee's mental or physical examination, a
6 hearing must be convened by the Department within 15 days after
7 the suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 licensee's record of treatment and counseling regarding the
10 relevant impairment or impairments to the extent permitted by
11 applicable federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 Any licensee suspended under this subsection (a-5) shall be
14 afforded an opportunity to demonstrate to the Department or
15 Board that he or she can resume practice in compliance with the
16 acceptable and prevailing standards under the provisions of his
17 or her license.

18 (b) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission, as
20 provided in the Mental Health and Developmental Disabilities
21 Code, operates as an automatic suspension. Such suspension will
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission,
24 the issuance of an order so finding and discharging the
25 patient, and the recommendation of the Board to the Secretary
26 that the licensee be allowed to resume practice.

1 (c) The Department shall deny a license or renewal
2 authorized by this Act to a person who has defaulted on an
3 educational loan or scholarship provided or guaranteed by the
4 Illinois Student Assistance Commission or any governmental
5 agency of this State in accordance with item (7) of subsection
6 (a) ~~subdivision (a) (5)~~ of Section 2105-15 of the Department of
7 Professional Regulation Law of the Civil Administrative Code of
8 Illinois.

9 (d) In cases where the Department of Healthcare and Family
10 Services (formerly the Department of Public Aid) has previously
11 determined that a licensee or a potential licensee is more than
12 30 days delinquent in the payment of child support and has
13 subsequently certified the delinquency to the Department, the
14 Department shall refuse to issue or renew or shall revoke or
15 suspend that person's license or shall take other disciplinary
16 action against that person based solely upon the certification
17 of delinquency made by the Department of Healthcare and Family
18 Services in accordance with item (9) of subsection (a)
19 ~~subdivision (a) (5)~~ of Section 2105-15 of the Department of
20 Professional Regulation Law of the Civil Administrative Code of
21 Illinois.

22 (e) The Department shall deny a license or renewal
23 authorized by this Act to a person who has failed to file a
24 return, to pay the tax, penalty, or interest shown in a filed
25 return, or to pay any final assessment of tax, penalty, or
26 interest as required by any tax Act administered by the

1 Department of Revenue, until such time as the requirements of
2 the tax Act are satisfied in accordance with subsection (g) of
3 Section 2105-15 of the Department of Professional Regulation
4 Law of the Civil Administrative Code of Illinois.

5 (f) Persons who assist the Department as consultants or
6 expert witnesses in the investigation or prosecution of alleged
7 violations of the Act, licensure matters, restoration
8 proceedings, or criminal prosecutions, are not liable for
9 damages in any civil action or proceeding as a result of such
10 assistance, except upon proof of actual malice. The Attorney
11 General of the State of Illinois shall defend such persons in
12 any such action or proceeding.

13 (Source: P.A. 98-756, eff. 7-16-14.)

14 Section 95. The Electrologist Licensing Act is amended by
15 changing Section 75 as follows:

16 (225 ILCS 412/75)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 75. Grounds for discipline.

19 (a) The Department may refuse to issue or renew and may
20 revoke or suspend a license under this Act, and may place on
21 probation, reprimand, or take other disciplinary or
22 non-disciplinary action with regard to any licensee under this
23 Act, as the Department may consider appropriate, including
24 imposing fines not to exceed \$10,000 for each violation and

1 assess costs as provided for under Section 95 of this Act, for
2 one or any combination of the following causes:

3 (1) Material misstatement in furnishing information to
4 the Department.

5 (2) Violation of this Act or rules adopted under this
6 Act.

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

16 (4) Fraud or misrepresentation in applying for or
17 procuring a license under this Act, or in connection with
18 applying for renewal of a license under this Act.

19 (5) Aiding or assisting another person in violating any
20 provision of this Act or its rules.

21 (6) Failing to provide information within 60 days in
22 response to a written request made by the Department.

23 (7) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (8) Habitual or excessive use or abuse of drugs defined

1 in law as controlled substances, alcohol, or any other
2 substance that results in an electrologist's inability to
3 practice with reasonable judgment, skill, or safety.

4 (9) Discipline by another governmental agency, unit of
5 government, U.S. jurisdiction, or foreign nation if at
6 least one of the grounds for discipline is the same as or
7 substantially equivalent to any of those set forth in this
8 Act.

9 (10) Directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership, or association
11 any fee, commission, rebate, or other form of compensation
12 for any professional services not actually or personally
13 rendered. Nothing in this paragraph (10) affects any bona
14 fide independent contractor or employment arrangements
15 among health care professionals, health facilities, health
16 care providers, or other entities, except as otherwise
17 prohibited by law. Any employment arrangements with health
18 care providers may include provisions for compensation,
19 health insurance, pension, or other employment benefits
20 for the provision of services within the scope of the
21 licensee's practice under this Act. Nothing in this
22 paragraph (10) shall be construed to require an employment
23 arrangement to receive professional fees for services
24 rendered.

25 (11) A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status, has violated the terms of probation.

2 (12) Abandonment of a patient.

3 (13) Willfully making or filing false records or
4 reports in the licensee's practice, including, but not
5 limited to, false records filed with State agencies or
6 departments.

7 (14) Mental or physical illness or disability,
8 including, but not limited to, deterioration through the
9 aging process or loss of motor skill that results in the
10 inability to practice the profession with reasonable
11 judgment, skill, or safety.

12 (15) Negligence in his or her practice under this Act.

13 (16) Use of fraud, deception, or any unlawful means in
14 applying for and securing a license as an electrologist.

15 (17) Immoral conduct in the commission of any act, such
16 as sexual abuse, sexual misconduct, or sexual
17 exploitation, related to the licensee's practice.

18 (18) Failure to comply with standards of sterilization
19 and sanitation as defined in the rules of the Department.

20 (19) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered.

23 (20) Allowing one's license under this Act to be used
24 by an unlicensed person in violation of this Act.

25 (b) The Department may refuse to issue or renew or may
26 suspend without hearing the license of any person who fails to

1 file a return, to pay the tax, penalty or interest shown in a
2 filed return, or to pay any final assessment of the tax,
3 penalty, or interest as required by any tax Act administered by
4 the Illinois Department of Revenue until the requirements of
5 the tax Act are satisfied in accordance with subsection (g) of
6 Section 2105-15 of the Department of Professional Regulation
7 Law of the Civil Administrative Code of Illinois.

8 (c) The determination by a circuit court that a licensee is
9 subject to involuntary admission or judicial admission as
10 provided in the Mental Health and Developmental Disabilities
11 Code operates as an automatic suspension. The suspension will
12 end only upon a finding by a court that the patient is no
13 longer subject to involuntary admission or judicial admission,
14 the issuance of an order so finding and discharging the
15 patient, and the filing of a petition for restoration
16 demonstrating fitness to practice.

17 (d) In enforcing this Section, the Department, upon a
18 showing of a possible violation, may compel any individual who
19 is licensed to practice under this Act or any individual who
20 has applied for licensure to submit to a mental or physical
21 examination and evaluation, or both, that may include a
22 substance abuse or sexual offender evaluation, at the expense
23 of the Department. The Department shall specifically designate
24 the examining physician licensed to practice medicine in all of
25 its branches or, if applicable, the multidisciplinary team
26 involved in providing the mental or physical examination and

1 evaluation, or both. The multidisciplinary team shall be led by
2 a physician licensed to practice medicine in all of its
3 branches and may consist of one or more or a combination of
4 physicians licensed to practice medicine in all of its
5 branches, licensed chiropractic physicians, licensed clinical
6 psychologists, licensed clinical social workers, licensed
7 clinical professional counselors, and other professional and
8 administrative staff. Any examining physician or member of the
9 multidisciplinary team may require any person ordered to submit
10 to an examination and evaluation pursuant to this Section to
11 submit to any additional supplemental testing deemed necessary
12 to complete any examination or evaluation process, including,
13 but not limited to, blood testing, urinalysis, psychological
14 testing, or neuropsychological testing.

15 The Department may order the examining physician or any
16 member of the multidisciplinary team to provide to the
17 Department any and all records, including business records,
18 that relate to the examination and evaluation, including any
19 supplemental testing performed. The Department may order the
20 examining physician or any member of the multidisciplinary team
21 to present testimony concerning this examination and
22 evaluation of the licensee, permit holder, or applicant,
23 including testimony concerning any supplemental testing or
24 documents relating to the examination and evaluation. No
25 information, report, record, or other documents in any way
26 related to the examination and evaluation shall be excluded by

1 reason of any common law or statutory privilege relating to
2 communication between the licensee or applicant and the
3 examining physician or any member of the multidisciplinary
4 team. No authorization is necessary from the licensee or
5 applicant ordered to undergo an evaluation and examination for
6 the examining physician or any member of the multidisciplinary
7 team to provide information, reports, records, or other
8 documents or to provide any testimony regarding the examination
9 and evaluation. The individual to be examined may have, at his
10 or her own expense, another physician of his or her choice
11 present during all aspects of the examination.

12 Failure of any individual to submit to mental or physical
13 examination and evaluation, or both, when directed, shall
14 result in an automatic suspension without hearing, until such
15 time as the individual submits to the examination. If the
16 Department finds a licensee unable to practice because of the
17 reasons set forth in this Section, the Department shall require
18 the licensee to submit to care, counseling, or treatment by
19 physicians approved or designated by the Department as a
20 condition for continued, reinstated, or renewed licensure to
21 practice.

22 When the Secretary immediately suspends a license under
23 this Section, a hearing upon the person's license must be
24 convened by the Department within 15 days after the suspension
25 and completed without appreciable delay. The Department shall
26 have the authority to review the licensee's record of treatment

1 and counseling regarding the impairment to the extent permitted
2 by applicable federal statutes and regulations safeguarding
3 the confidentiality of medical records.

4 Individuals licensed under this Act affected under this
5 Section shall be afforded an opportunity to demonstrate to the
6 Department that they can resume practice in compliance with
7 acceptable and prevailing standards under the provisions of
8 their license.

9 (e) The Department shall deny a license or renewal
10 authorized by this Act to a person who has defaulted on an
11 educational loan or scholarship provided or guaranteed by the
12 Illinois Student Assistance Commission or any governmental
13 agency of this State in accordance with item (7) ~~(5)~~ of
14 subsection (a) of Section 2105-15 of the Department of
15 Professional Regulation Law of the Civil Administrative Code of
16 Illinois.

17 (f) In cases where the Department of Healthcare and Family
18 Services has previously determined a licensee or a potential
19 licensee is more than 30 days delinquent in the payment of
20 child support and has subsequently certified the delinquency to
21 the Department, the Department may refuse to issue or renew or
22 may revoke or suspend that person's license or may take other
23 disciplinary action against that person based solely upon the
24 certification of delinquency made by the Department of
25 Healthcare and Family Services in accordance with item (9) ~~(5)~~
26 of subsection (a) of Section 2105-15 of the Department of

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois.

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

7 (Source: P.A. 98-363, eff. 8-16-13.)

8 Section 100. The Illinois Certified Shorthand Reporters
9 Act of 1984 is amended by changing Section 23 as follows:

10 (225 ILCS 415/23) (from Ch. 111, par. 6223)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 23. Grounds for disciplinary action.

13 (a) The Department may refuse to issue or renew, or may
14 revoke, suspend, place on probation, reprimand or take other
15 disciplinary or non-disciplinary action as the Department may
16 deem appropriate, including imposing fines not to exceed
17 \$10,000 for each violation and the assessment of costs as
18 provided for in Section 23.3 of this Act, with regard to any
19 license for any one or combination of the following:

20 (1) Material misstatement in furnishing information to
21 the Department;

22 (2) Violations of this Act, or of the rules promulgated
23 thereunder;

24 (3) Conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or by
2 sentencing of any crime, including, but not limited to,
3 convictions, preceding sentences of supervision,
4 conditional discharge, or first offender probation under
5 the laws of any jurisdiction of the United States: (i) that
6 is a felony or (ii) that is a misdemeanor, an essential
7 element of which is dishonesty, or that is directly related
8 to the practice of the profession;

9 (4) Fraud or any misrepresentation in applying for or
10 procuring a license under this Act or in connection with
11 applying for renewal of a license under this Act;

12 (5) Professional incompetence;

13 (6) Aiding or assisting another person, firm,
14 partnership or corporation in violating any provision of
15 this Act or rules;

16 (7) Failing, within 60 days, to provide information in
17 response to a written request made by the Department;

18 (8) Engaging in dishonorable, unethical or
19 unprofessional conduct of a character likely to deceive,
20 defraud or harm the public;

21 (9) Habitual or excessive use or abuse of drugs defined
22 in law as controlled substances, alcohol, or any other
23 substances that results in the inability to practice with
24 reasonable judgment, skill, or safety;

25 (10) Discipline by another state, unit of government,
26 government agency, the District of Columbia, a territory,

1 or foreign nation, if at least one of the grounds for the
2 discipline is the same or substantially equivalent to those
3 set forth herein;

4 (11) Charging for professional services not rendered,
5 including filing false statements for the collection of
6 fees for which services were not rendered, or giving,
7 directly or indirectly, any gift or anything of value to
8 attorneys or their staff or any other persons or entities
9 associated with any litigation, that exceeds \$100 total per
10 year; for the purposes of this Section, pro bono services,
11 as defined by State law, are permissible in any amount;

12 (12) A finding by the Board that the certificate
13 holder, after having his certificate placed on
14 probationary status, has violated the terms of probation;

15 (13) Willfully making or filing false records or
16 reports in the practice of shorthand reporting, including
17 but not limited to false records filed with State agencies
18 or departments;

19 (14) Physical illness, including but not limited to,
20 deterioration through the aging process, or loss of motor
21 skill which results in the inability to practice under this
22 Act with reasonable judgment, skill or safety;

23 (15) Solicitation of professional services other than
24 by permitted advertising;

25 (16) Willful failure to take full and accurate
26 stenographic notes of any proceeding;

1 (17) Willful alteration of any stenographic notes
2 taken at any proceeding;

3 (18) Willful failure to accurately transcribe verbatim
4 any stenographic notes taken at any proceeding;

5 (19) Willful alteration of a transcript of
6 stenographic notes taken at any proceeding;

7 (20) Affixing one's signature to any transcript of his
8 stenographic notes or certifying to its correctness unless
9 the transcript has been prepared by him or under his
10 immediate supervision;

11 (21) Willful failure to systematically retain
12 stenographic notes or transcripts on paper or any
13 electronic media for 10 years from the date that the notes
14 or transcripts were taken;

15 (22) Failure to deliver transcripts in a timely manner
16 or in accordance with contractual agreements;

17 (23) Establishing contingent fees as a basis of
18 compensation;

19 (24) Mental illness or disability that results in the
20 inability to practice under this Act with reasonable
21 judgment, skill, or safety;

22 (25) Practicing under a false or assumed name, except
23 as provided by law;

24 (26) Cheating on or attempting to subvert the licensing
25 examination administered under this Act;

26 (27) Allowing one's license under this Act to be used

1 by an unlicensed person in violation of this Act.

2 All fines imposed under this Section shall be paid within
3 60 days after the effective date of the order imposing the fine
4 or in accordance with the terms set forth in the order imposing
5 the fine.

6 (b) The determination by a circuit court that a certificate
7 holder is subject to involuntary admission or judicial
8 admission as provided in the Mental Health and Developmental
9 Disabilities Code, operates as an automatic suspension. Such
10 suspension will end only upon a finding by a court that the
11 patient is no longer subject to involuntary admission or
12 judicial admission, an order by the court so finding and
13 discharging the patient. In any case where a license is
14 suspended under this Section, the licensee may file a petition
15 for restoration and shall include evidence acceptable to the
16 Department that the licensee can resume practice in compliance
17 with acceptable and prevailing standards of the profession.

18 (c) In cases where the Department of Healthcare and Family
19 Services has previously determined a licensee or a potential
20 licensee is more than 30 days delinquent in the payment of
21 child support and has subsequently certified the delinquency to
22 the Department, the Department may refuse to issue or renew or
23 may revoke or suspend that person's license or may take other
24 disciplinary action against that person based solely upon the
25 certification of delinquency made by the Department of
26 Healthcare and Family Services in accordance with item (9) ~~(5)~~

1 of subsection (a) of Section 2105-15 of the Civil
2 Administrative Code of Illinois.

3 (d) In enforcing this Section, the Department, upon a
4 showing of a possible violation, may compel any individual who
5 is certified under this Act or any individual who has applied
6 for certification under this Act to submit to a mental or
7 physical examination and evaluation, or both, which may include
8 a substance abuse or sexual offender evaluation, at the expense
9 of the Department. The Department shall specifically designate
10 the examining physician licensed to practice medicine in all of
11 its branches or, if applicable, the multidisciplinary team
12 involved in providing the mental or physical examination and
13 evaluation, or both. The multidisciplinary team shall be led by
14 a physician licensed to practice medicine in all of its
15 branches and may consist of one or more or a combination of
16 physicians licensed to practice medicine in all of its
17 branches, licensed chiropractic physicians, licensed clinical
18 psychologists, licensed clinical social workers, licensed
19 clinical professional counselors, and other professional and
20 administrative staff. Any examining physician or member of the
21 multidisciplinary team may require any person ordered to submit
22 to an examination and evaluation pursuant to this Section to
23 submit to any additional supplemental testing deemed necessary
24 to complete any examination or evaluation process, including,
25 but not limited to, blood testing, urinalysis, psychological
26 testing, or neuropsychological testing.

1 The Department may order the examining physician or any
2 member of the multidisciplinary team to provide to the
3 Department any and all records, including business records,
4 that relate to the examination and evaluation, including any
5 supplemental testing performed. The Department may order the
6 examining physician or any member of the multidisciplinary team
7 to present testimony concerning this examination and
8 evaluation of the certified shorthand reporter or applicant,
9 including testimony concerning any supplemental testing or
10 documents relating to the examination and evaluation. No
11 information, report, record, or other documents in any way
12 related to the examination and evaluation shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communication between the licensee or applicant and the
15 examining physician or any member of the multidisciplinary
16 team. No authorization is necessary from the certified
17 shorthand reporter or applicant ordered to undergo an
18 evaluation and examination for the examining physician or any
19 member of the multidisciplinary team to provide information,
20 reports, records, or other documents or to provide any
21 testimony regarding the examination and evaluation. The
22 individual to be examined may have, at his or her own expense,
23 another physician of his or her choice present during all
24 aspects of the examination.

25 Failure of any individual to submit to mental or physical
26 examination and evaluation, or both, when directed, shall

1 result in an automatic suspension, without hearing, until such
2 time as the individual submits to the examination. If the
3 Department finds a certified shorthand reporter unable to
4 practice because of the reasons set forth in this Section, the
5 Department shall require the certified shorthand reporter to
6 submit to care, counseling, or treatment by physicians approved
7 or designated by the Department, as a condition for continued,
8 reinstated, or renewed certification.

9 When the Secretary immediately suspends a certificate
10 under this Section, a hearing upon the person's certificate
11 must be convened by the Department within 15 days after the
12 suspension and completed without appreciable delay. The
13 Department shall have the authority to review the certified
14 shorthand reporter's record of treatment and counseling
15 regarding the impairment, to the extent permitted by applicable
16 federal statutes and regulations safeguarding the
17 confidentiality of medical records.

18 Individuals certified under this Act, affected under this
19 Section, shall be afforded an opportunity to demonstrate to the
20 Department that they can resume practice in compliance with
21 acceptable and prevailing standards under the provisions of
22 their certification.

23 (e) The Department shall deny a license or renewal
24 authorized by this Act to a person who has defaulted on an
25 educational loan or scholarship provided or guaranteed by the
26 Illinois Student Assistance Commission or any governmental

1 agency of this State in accordance with item (7) ~~(5)~~ of
2 subsection (a) of Section 2105-15 of the Civil Administrative
3 Code of Illinois.

4 (f) The Department may refuse to issue or may suspend
5 without hearing, as provided for in the Code of Civil
6 Procedure, the license of any person who fails to file a
7 return, to pay the tax, penalty, or interest shown in a filed
8 return, or to pay any final assessment of tax, penalty, or
9 interest as required by any tax Act administered by the
10 Illinois Department of Revenue, until such time as the
11 requirements of any such tax Act are satisfied in accordance
12 with subsection (g) of Section 2105-15 of the Civil
13 Administrative Code of Illinois.

14 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

15 Section 105. The Community Association Manager Licensing
16 and Disciplinary Act is amended by changing Section 85 as
17 follows:

18 (225 ILCS 427/85)

19 (Section scheduled to be repealed on January 1, 2020)

20 Sec. 85. Grounds for discipline; refusal, revocation, or
21 suspension.

22 (a) The Department may refuse to issue or renew a license,
23 or may place on probation, reprimand, suspend, or revoke any
24 license, or take any other disciplinary or non-disciplinary

1 action as the Department may deem proper and impose a fine not
2 to exceed \$10,000 for each violation upon any licensee or
3 applicant under this Act or any person or entity who holds
4 himself, herself, or itself out as an applicant or licensee for
5 any one or combination of the following causes:

6 (1) Material misstatement in furnishing information to
7 the Department.

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

9 (3) Conviction of or entry of a plea of guilty or plea
10 of nolo contendere to a felony or a misdemeanor under the
11 laws of the United States, any state, or any other
12 jurisdiction or entry of an administrative sanction by a
13 government agency in this State or any other jurisdiction.
14 Action taken under this paragraph (3) for a misdemeanor or
15 an administrative sanction is limited to a misdemeanor or
16 administrative sanction that has as an essential element
17 dishonesty or fraud, that involves larceny, embezzlement,
18 or obtaining money, property, or credit by false pretenses
19 or by means of a confidence game, or that is directly
20 related to the practice of the profession.

21 (4) Making any misrepresentation for the purpose of
22 obtaining a license or violating any provision of this Act
23 or its rules.

24 (5) Professional incompetence.

25 (6) Gross negligence.

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

1 provision of this Act or its rules.

2 (8) Failing, within 30 days, to provide information in
3 response to a 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 as defined by the rules of the
7 Department, or violating the rules of professional conduct
8 adopted by the Department.

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

13 (11) Having been disciplined by another state, the
14 District of Columbia, a territory, a foreign nation, or a
15 governmental agency authorized to impose discipline if at
16 least one of the grounds for the discipline is the same or
17 substantially equivalent of one of the grounds for which a
18 licensee may be disciplined under this Act. A certified
19 copy of the record of the action by the other state or
20 jurisdiction shall be prima facie evidence thereof.

21 (12) Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership or association
23 any fee, commission, rebate, or other form of compensation
24 for any professional services not actually or personally
25 rendered.

26 (13) A finding by the Department that the licensee,

1 after having his, her, or its license placed on
2 probationary status, has violated the terms of probation.

3 (14) Willfully making or filing false records or
4 reports relating to a licensee's practice, including but
5 not limited to false records filed with any State or
6 federal agencies or departments.

7 (15) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 under the Abused and Neglected Child Reporting Act and upon
10 proof by clear and convincing evidence that the licensee
11 has caused a child to be an abused child or neglected child
12 as defined in the Abused and Neglected Child Reporting Act.

13 (16) Physical illness or mental illness or impairment,
14 including, but not limited to, deterioration through the
15 aging process or loss of motor skill that results in the
16 inability to practice the profession with reasonable
17 judgment, skill, or safety.

18 (17) Solicitation of professional services by using
19 false or misleading advertising.

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

22 (19) Practicing or attempting to practice under a name
23 other than the full name as shown on the license or any
24 other legally authorized name.

25 (20) Gross overcharging for professional services
26 including, but not limited to, (i) collection of fees or

1 moneys for services that are not rendered; and (ii)
2 charging for services that are not in accordance with the
3 contract between the licensee and the community
4 association.

5 (21) Improper commingling of personal and client funds
6 in violation of this Act or any rules promulgated thereto.

7 (22) Failing to account for or remit any moneys or
8 documents coming into the licensee's possession that
9 belong to another person or entity.

10 (23) Giving differential treatment to a person that is
11 to that person's detriment because of race, color, creed,
12 sex, religion, or national origin.

13 (24) Performing and charging for services without
14 reasonable authorization to do so from the person or entity
15 for whom service is being provided.

16 (25) Failing to make available to the Department, upon
17 request, any books, records, or forms required by this Act.

18 (26) Purporting to be a supervising community
19 association manager of a firm without active participation
20 in the firm.

21 (27) Failing to make available to the Department at the
22 time of the request any indicia of licensure or
23 registration issued under this Act.

24 (28) Failing to maintain and deposit funds belonging to
25 a community association in accordance with subsection (b)
26 of Section 55 of this Act.

1 (29) Violating the terms of a disciplinary order issued
2 by the Department.

3 (b) In accordance with item (7) of subsection (a)
4 ~~subdivision (a)(5)~~ of Section 2105-15 of the Department of
5 Professional Regulation Law of the Civil Administrative Code of
6 Illinois (20 ILCS 2105/2105-15), the Department shall deny a
7 license or renewal authorized by this Act to a person who has
8 defaulted on an educational loan or scholarship provided or
9 guaranteed by the Illinois Student Assistance Commission or any
10 governmental agency of this State.

11 (c) The determination by a circuit court that a licensee is
12 subject to involuntary admission or judicial admission, as
13 provided in the Mental Health and Developmental Disabilities
14 Code, operates as an automatic suspension. The suspension will
15 terminate only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission
17 and the issuance of an order so finding and discharging the
18 patient, and upon the recommendation of the Board to the
19 Secretary that the licensee be allowed to resume his or her
20 practice as a licensed community association manager.

21 (d) In accordance with subsection (g) of Section 2105-15 of
22 the Department of Professional Regulation Law of the Civil
23 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
24 Department may refuse to issue or renew or may suspend the
25 license of any person who fails to file a return, to pay the
26 tax, penalty, or interest shown in a filed return, or to pay

1 any final assessment of tax, penalty, or interest, as required
2 by any tax Act administered by the Department of Revenue, until
3 such time as the requirements of that tax Act are satisfied.

4 (e) In accordance with item (9) of subsection (a)
5 ~~subdivision (a) (5)~~ of Section 2105-15 of the Department of
6 Professional Regulation Law of the Civil Administrative Code of
7 Illinois (20 ILCS 2105/2105-15) and in cases where the
8 Department of Healthcare and Family Services (formerly
9 Department of Public Aid) has previously determined that a
10 licensee or a potential licensee is more than 30 days
11 delinquent in the payment of child support and has subsequently
12 certified the delinquency to the Department may refuse to issue
13 or renew or may revoke or suspend that person's license or may
14 take other disciplinary action against that person based solely
15 upon the certification of delinquency made by the Department of
16 Healthcare and Family Services.

17 (f) In enforcing this Section, the Department or Board upon
18 a showing of a possible violation may compel a licensee or an
19 individual licensed to practice under this Act, or who has
20 applied for licensure under this Act, to submit to a mental or
21 physical examination, or both, as required by and at the
22 expense of the Department. The Department or Board may order
23 the examining physician to present testimony concerning the
24 mental or physical examination of the licensee or applicant. No
25 information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician. The
2 examining physicians shall be specifically designated by the
3 Board or Department. The individual to be examined may have, at
4 his or her own expense, another physician of his or her choice
5 present during all aspects of this examination. Failure of an
6 individual to submit to a mental or physical examination, when
7 directed, shall be grounds for suspension of his or her license
8 or denial of his or her application or renewal until the
9 individual submits to the examination if the Department finds,
10 after notice and hearing, that the refusal to submit to the
11 examination was without reasonable cause.

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

1 shall have his or her license suspended immediately, pending a
2 hearing by the Department.

3 In instances in which the Secretary immediately suspends a
4 person's license under this Section, a hearing on that person's
5 license must be convened by the Department within 30 days after
6 the suspension and completed without appreciable delay. The
7 Department and Board shall have the authority to review the
8 subject individual's record of treatment and counseling
9 regarding the impairment to the extent permitted by applicable
10 federal statutes and regulations safeguarding the
11 confidentiality of medical records.

12 An individual licensed under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate to
14 the Department or Board that he or she can resume practice in
15 compliance with acceptable and prevailing standards under the
16 provisions of his or her license.

17 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
18 98-756, eff. 7-16-14.)

19 Section 110. The Detection of Deception Examiners Act is
20 amended by changing Section 14 as follows:

21 (225 ILCS 430/14) (from Ch. 111, par. 2415)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 14. (a) The Department may refuse to issue or renew or
24 may revoke, suspend, place on probation, reprimand, or take

1 other disciplinary or non-disciplinary action as the
2 Department may deem appropriate, including imposing fines not
3 to exceed \$10,000 for each violation, with regard to any
4 license for any one or a combination of the following:

5 (1) Material misstatement in furnishing information to
6 the Department.

7 (2) Violations of this Act, or of the rules adopted
8 under this Act.

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

18 (4) Making any misrepresentation for the purpose of
19 obtaining licensure or violating any provision of this Act
20 or the rules adopted under this Act pertaining to
21 advertising.

22 (5) Professional incompetence.

23 (6) Allowing one's license under this Act to be used by
24 an unlicensed person in violation of this Act.

25 (7) Aiding or assisting another person in violating
26 this Act or any rule adopted under this Act.

1 (8) Where the license holder has been adjudged mentally
2 ill, mentally deficient or subject to involuntary
3 admission as provided in the Mental Health and
4 Developmental Disabilities Code.

5 (9) Failing, within 60 days, to provide information in
6 response to a written request made by the Department.

7 (10) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public.

10 (11) Inability to practice with reasonable judgment,
11 skill, or safety as a result of habitual or excessive use
12 or addiction to alcohol, narcotics, stimulants, or any
13 other chemical agent or drug.

14 (12) Discipline by another state, District of
15 Columbia, territory, or foreign nation, if at least one of
16 the grounds for the discipline is the same or substantially
17 equivalent to those set forth in this Section.

18 (13) A finding by the Department that the licensee,
19 after having his or her license placed on probationary
20 status, has violated the terms of probation.

21 (14) Willfully making or filing false records or
22 reports in his or her practice, including, but not limited
23 to, false records filed with State agencies or departments.

24 (15) Inability to practice the profession with
25 reasonable judgment, skill, or safety as a result of a
26 physical illness, including, but not limited to,

1 deterioration through the aging process or loss of motor
2 skill, or a mental illness or disability.

3 (16) Charging for professional services not rendered,
4 including filing false statements for the collection of
5 fees for which services are not rendered.

6 (17) Practicing under a false or, except as provided by
7 law, an assumed name.

8 (18) Fraud or misrepresentation in applying for, or
9 procuring, a license under this Act or in connection with
10 applying for renewal of a license under this Act.

11 (19) Cheating on or attempting to subvert the licensing
12 examination administered under this Act.

13 All fines imposed under this Section shall be paid within
14 60 days after the effective date of the order imposing the
15 fine.

16 (b) The Department may refuse to issue or may suspend
17 without hearing, as provided for in the Code of Civil
18 Procedure, the license of any person who fails to file a
19 return, or pay the tax, penalty, or interest shown in a filed
20 return, or pay any final assessment of the tax, penalty, or
21 interest as required by any tax Act administered by the
22 Illinois Department of Revenue, until such time as the
23 requirements of any such tax Act are satisfied in accordance
24 with subsection (g) of Section 2105-15 of the Civil
25 Administrative Code of Illinois.

26 (c) The Department shall deny a license or renewal

1 authorized by this Act to a person who has defaulted on an
2 educational loan or scholarship provided or guaranteed by the
3 Illinois Student Assistance Commission or any governmental
4 agency of this State in accordance with item (7) ~~(5)~~ of
5 subsection (a) of Section 2105-15 of the Civil Administrative
6 Code of Illinois.

7 (d) In cases where the Department of Healthcare and Family
8 Services has previously determined a licensee or a potential
9 licensee is more than 30 days delinquent in the payment of
10 child support and has subsequently certified the delinquency to
11 the Department, the Department may refuse to issue or renew or
12 may revoke or suspend that person's license or may take other
13 disciplinary action against that person based solely upon the
14 certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with item (9) ~~(5)~~
16 of subsection (a) of Section 2105-15 of the Civil
17 Administrative Code of Illinois.

18 (e) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission, as
20 provided in the Mental Health and Developmental Disabilities
21 Code, operates as an automatic suspension. The suspension will
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission
24 and the issuance of an order so finding and discharging the
25 patient.

26 (f) In enforcing this Act, the Department, upon a showing

1 of a possible violation, may compel an individual licensed to
2 practice under this Act, or who has applied for licensure under
3 this Act, to submit to a mental or physical examination, or
4 both, as required by and at the expense of the Department. The
5 Department may order the examining physician to present
6 testimony concerning the mental or physical examination of the
7 licensee or applicant. No information shall be excluded by
8 reason of any common law or statutory privilege relating to
9 communications between the licensee or applicant and the
10 examining physician. The examining physicians shall be
11 specifically designated by the Department. The individual to be
12 examined may have, at his or her own expense, another physician
13 of his or her choice present during all aspects of this
14 examination. The examination shall be performed by a physician
15 licensed to practice medicine in all its branches. Failure of
16 an individual to submit to a mental or physical examination,
17 when directed, shall result in an automatic suspension without
18 hearing.

19 A person holding a license under this Act or who has
20 applied for a license under this Act who, because of a physical
21 or mental illness or disability, including, but not limited to,
22 deterioration through the aging process or loss of motor skill,
23 is unable to practice the profession with reasonable judgment,
24 skill, or safety, may be required by the Department to submit
25 to care, counseling, or treatment by physicians approved or
26 designated by the Department as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to
2 practice. Submission to care, counseling, or treatment as
3 required by the Department shall not be considered discipline
4 of a license. If the licensee refuses to enter into a care,
5 counseling, or treatment agreement or fails to abide by the
6 terms of the agreement, the Department may file a complaint to
7 revoke, suspend, or otherwise discipline the license of the
8 individual. The Secretary may order the license suspended
9 immediately, pending a hearing by the Department. Fines shall
10 not be assessed in disciplinary actions involving physical or
11 mental illness or impairment.

12 In instances in which the Secretary immediately suspends a
13 person's license under this Section, a hearing on that person's
14 license must be convened by the Department within 15 days after
15 the suspension and completed without appreciable delay. The
16 Department shall have the authority to review the subject
17 individual's record of treatment and counseling regarding the
18 impairment to the extent permitted by applicable federal
19 statutes and regulations safeguarding the confidentiality of
20 medical records.

21 An individual licensed under this Act and affected under
22 this Section shall be afforded an opportunity to demonstrate to
23 the Department that he or she can resume practice in compliance
24 with acceptable and prevailing standards under the provisions
25 of his or her license.

26 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;

1 98-756, eff. 7-16-14.)

2 Section 115. The Home Inspector License Act is amended by
3 changing Section 15-10 as follows:

4 (225 ILCS 441/15-10)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 15-10. Grounds for disciplinary action.

7 (a) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary or non-disciplinary action as the Department may
10 deem appropriate, including imposing fines not to exceed
11 \$25,000 for each violation, with regard to any license for any
12 one or combination of the following:

13 (1) Fraud or misrepresentation in applying for, or
14 procuring a license under this Act or in connection with
15 applying for renewal of a license under this Act.

16 (2) Failing to meet the minimum qualifications for
17 licensure as a home inspector established by this Act.

18 (3) Paying money, other than for the fees provided for
19 by this Act, or anything of value to an employee of the
20 Department to procure licensure under this Act.

21 (4) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or by
23 sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under
2 the laws of any jurisdiction of the United States: (i) that
3 is a felony; (ii) that is a misdemeanor, an essential
4 element of which is dishonesty, or that is directly related
5 to the practice of the profession; or (iii) that is a crime
6 that subjects the licensee to compliance with the
7 requirements of the Sex Offender Registration Act.

8 (5) Committing an act or omission involving
9 dishonesty, fraud, or misrepresentation with the intent to
10 substantially benefit the licensee or another person or
11 with the intent to substantially injure another person.

12 (6) Violating a provision or standard for the
13 development or communication of home inspections as
14 provided in Section 10-5 of this Act or as defined in the
15 rules.

16 (7) Failing or refusing to exercise reasonable
17 diligence in the development, reporting, or communication
18 of a home inspection report, as defined by this Act or the
19 rules.

20 (8) Violating a provision of this Act or the rules.

21 (9) Having been disciplined by another state, the
22 District of Columbia, a territory, a foreign nation, a
23 governmental agency, or any other entity authorized to
24 impose discipline if at least one of the grounds for that
25 discipline is the same as or substantially equivalent to
26 one of the grounds for which a licensee may be disciplined

1 under this Act.

2 (10) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (11) Accepting an inspection assignment when the
6 employment itself is contingent upon the home inspector
7 reporting a predetermined analysis or opinion, or when the
8 fee to be paid is contingent upon the analysis, opinion, or
9 conclusion reached or upon the consequences resulting from
10 the home inspection assignment.

11 (12) Developing home inspection opinions or
12 conclusions based on the race, color, religion, sex,
13 national origin, ancestry, age, marital status, family
14 status, physical or mental disability, or unfavorable
15 military discharge, as defined under the Illinois Human
16 Rights Act, of the prospective or present owners or
17 occupants of the area or property under home inspection.

18 (13) Being adjudicated liable in a civil proceeding on
19 grounds of fraud, misrepresentation, or deceit. In a
20 disciplinary proceeding based upon a finding of civil
21 liability, the home inspector shall be afforded an
22 opportunity to present mitigating and extenuating
23 circumstances, but may not collaterally attack the civil
24 adjudication.

25 (14) Being adjudicated liable in a civil proceeding for
26 violation of a State or federal fair housing law.

1 (15) Engaging in misleading or untruthful advertising
2 or using a trade name or insignia of membership in a home
3 inspection organization of which the licensee is not a
4 member.

5 (16) Failing, within 30 days, to provide information in
6 response to a written request made by the Department.

7 (17) Failing to include within the home inspection
8 report the home inspector's license number and the date of
9 expiration of the license. All home inspectors providing
10 significant contribution to the development and reporting
11 of a home inspection must be disclosed in the home
12 inspection report. It is a violation of this Act for a home
13 inspector to sign a home inspection report knowing that a
14 person providing a significant contribution to the report
15 has not been disclosed in the home inspection report.

16 (18) Advising a client as to whether the client should
17 or should not engage in a transaction regarding the
18 residential real property that is the subject of the home
19 inspection.

20 (19) Performing a home inspection in a manner that
21 damages or alters the residential real property that is the
22 subject of the home inspection without the consent of the
23 owner.

24 (20) Performing a home inspection when the home
25 inspector is providing or may also provide other services
26 in connection with the residential real property or

1 transaction, or has an interest in the residential real
2 property, without providing prior written notice of the
3 potential or actual conflict and obtaining the prior
4 consent of the client as provided by rule.

5 (21) Aiding or assisting another person in violating
6 any provision of this Act or rules adopted under this Act.

7 (22) Inability to practice with reasonable judgment,
8 skill, or safety as a result of habitual or excessive use
9 or addiction to alcohol, narcotics, stimulants, or any
10 other chemical agent or drug.

11 (23) A finding by the Department that the licensee,
12 after having his or her license placed on probationary
13 status, has violated the terms of probation.

14 (24) Willfully making or filing false records or
15 reports in his or her practice, including, but not limited
16 to, false records filed with State agencies or departments.

17 (25) Charging for professional services not rendered,
18 including filing false statements for the collection of
19 fees for which services are not rendered.

20 (26) Practicing under a false or, except as provided by
21 law, an assumed name.

22 (27) Cheating on or attempting to subvert the licensing
23 examination administered under this Act.

24 (b) The Department may suspend, revoke, or refuse to issue
25 or renew an education provider's license, may reprimand, place
26 on probation, or otherwise discipline an education provider

1 licensee, and may suspend or revoke the course approval of any
2 course offered by an education provider, for any of the
3 following:

4 (1) Procuring or attempting to procure licensure by
5 knowingly making a false statement, submitting false
6 information, making any form of fraud or
7 misrepresentation, or refusing to provide complete
8 information in response to a question in an application for
9 licensure.

10 (2) Failing to comply with the covenants certified to
11 on the application for licensure as an education provider.

12 (3) Committing an act or omission involving
13 dishonesty, fraud, or misrepresentation or allowing any
14 such act or omission by any employee or contractor under
15 the control of the education provider.

16 (4) Engaging in misleading or untruthful advertising.

17 (5) Failing to retain competent instructors in
18 accordance with rules adopted under this Act.

19 (6) Failing to meet the topic or time requirements for
20 course approval as the provider of a pre-license curriculum
21 course or a continuing education course.

22 (7) Failing to administer an approved course using the
23 course materials, syllabus, and examinations submitted as
24 the basis of the course approval.

25 (8) Failing to provide an appropriate classroom
26 environment for presentation of courses, with

1 consideration for student comfort, acoustics, lighting,
2 seating, workspace, and visual aid material.

3 (9) Failing to maintain student records in compliance
4 with the rules adopted under this Act.

5 (10) Failing to provide a certificate, transcript, or
6 other student record to the Department or to a student as
7 may be required by rule.

8 (11) Failing to fully cooperate with a Department
9 investigation by knowingly making a false statement,
10 submitting false or misleading information, or refusing to
11 provide complete information in response to written
12 interrogatories or a written request for documentation
13 within 30 days of the request.

14 (c) In appropriate cases, the Department may resolve a
15 complaint against a licensee through the issuance of a Consent
16 to Administrative Supervision order. A licensee subject to a
17 Consent to Administrative Supervision order shall be
18 considered by the Department as an active licensee in good
19 standing. This order shall not be reported as or considered by
20 the Department to be a discipline of the licensee. The records
21 regarding an investigation and a Consent to Administrative
22 Supervision order shall be considered confidential and shall
23 not be released by the Department except as mandated by law.
24 The complainant shall be notified that his or her complaint has
25 been resolved by a Consent to Administrative Supervision order.

26 (d) The Department may refuse to issue or may suspend

1 without hearing, as provided for in the Code of Civil
2 Procedure, the license of any person who fails to file a tax
3 return, to pay the tax, penalty, or interest shown in a filed
4 tax return, or to pay any final assessment of tax, penalty, or
5 interest, as required by any tax Act administered by the
6 Illinois Department of Revenue, until such time as the
7 requirements of the tax Act are satisfied in accordance with
8 subsection (g) of Section 2105-15 of the Civil Administrative
9 Code of Illinois.

10 (e) The Department shall deny a license or renewal
11 authorized by this Act to a person who has defaulted on an
12 educational loan or scholarship provided or guaranteed by the
13 Illinois Student Assistance Commission or any governmental
14 agency of this State in accordance with item (7) ~~(5)~~ of
15 subsection (a) of Section 2105-15 of the Civil Administrative
16 Code of Illinois.

17 (f) In cases where the Department of Healthcare and Family
18 Services has previously determined that a licensee or a
19 potential licensee is more than 30 days delinquent in the
20 payment of child support and has subsequently certified the
21 delinquency to the Department, the Department may refuse to
22 issue or renew or may revoke or suspend that person's license
23 or may take other disciplinary action against that person based
24 solely upon the certification of delinquency made by the
25 Department of Healthcare and Family Services in accordance with
26 item (9) ~~(5)~~ of subsection (a) of Section 2105-15 of the Civil

1 Administrative Code of Illinois.

2 (g) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission, as
4 provided in the Mental Health and Developmental Disabilities
5 Code, operates as an automatic suspension. The suspension will
6 end only upon a finding by a court that the patient is no
7 longer subject to involuntary admission or judicial admission
8 and the issuance of a court order so finding and discharging
9 the patient.

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

1 when directed, shall result in an automatic suspension without
2 hearing.

3 A person holding a license under this Act or who has
4 applied for a license under this Act, who, because of a
5 physical or mental illness or disability, including, but not
6 limited to, deterioration through the aging process or loss of
7 motor skill, is unable to practice the profession with
8 reasonable judgment, skill, or safety, may be required by the
9 Department to submit to care, counseling, or treatment by
10 physicians approved or designated by the Department as a
11 condition, term, or restriction for continued, reinstated, or
12 renewed licensure to practice. Submission to care, counseling,
13 or treatment as required by the Department shall not be
14 considered discipline of a license. If the licensee refuses to
15 enter into a care, counseling, or treatment agreement or fails
16 to abide by the terms of the agreement, the Department may file
17 a complaint to revoke, suspend, or otherwise discipline the
18 license of the individual. The Secretary may order the license
19 suspended immediately, pending a hearing by the Department.
20 Fines shall not be assessed in disciplinary actions involving
21 physical or mental illness or impairment.

22 In instances in which the Secretary immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license must be convened by the Department within 15 days after
25 the suspension and completed without appreciable delay. The
26 Department shall have the authority to review the subject

1 individual's record of treatment and counseling regarding the
2 impairment to the extent permitted by applicable federal
3 statutes and regulations safeguarding the confidentiality of
4 medical records.

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

10 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
11 98-756, eff. 7-16-14.)

12 Section 120. The Private Detective, Private Alarm, Private
13 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
14 amended by changing Sections 40-35 and 40-40 as follows:

15 (225 ILCS 447/40-35)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 40-35. Disciplinary action for educational loan
18 defaults. The Department shall deny a license or renewal
19 authorized by this Act to a person who has defaulted on an
20 educational loan or scholarship provided or guaranteed by the
21 Illinois Student Assistance Commission or any governmental
22 agency of this State in accordance with item (7) ~~(5)~~ of
23 subsection (a) of Section 2105-15 of the Civil Administrative
24 Code of Illinois.

1 (Source: P.A. 98-253, eff. 8-9-13.)

2 (225 ILCS 447/40-40)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 40-40. Nonpayment of child support. In cases where the
5 Department of Healthcare and Family Services (formerly
6 Department of Public Aid) or any circuit court has previously
7 determined that a licensee or a potential licensee is more than
8 30 days delinquent in the payment of child support and has
9 subsequently certified the delinquency to the Department, the
10 Department may refuse to issue or renew or may revoke or
11 suspend that person's license or may take other disciplinary
12 action against that person based solely upon the certification
13 of delinquency made by the Department of Healthcare and Family
14 Services in accordance with item (9) ~~(5)~~ of subsection (a) of
15 Section 2105-15 of the Civil Administrative Code of Illinois.

16 (Source: P.A. 98-253, eff. 8-9-13.)

17 Section 125. The Illinois Public Accounting Act is amended
18 by changing Section 20.01 as follows:

19 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 20.01. Grounds for discipline; license or
22 registration.

23 (a) The Department may refuse to issue or renew, or may

1 revoke, suspend, or reprimand any registration or registrant,
2 any license or licensee, place a licensee or registrant on
3 probation for a period of time subject to any conditions the
4 Department may specify including requiring the licensee or
5 registrant to attend continuing education courses or to work
6 under the supervision of another licensee or registrant, impose
7 a fine not to exceed \$10,000 for each violation, restrict the
8 authorized scope of practice, require a licensee or registrant
9 to undergo a peer review program, assess costs as provided for
10 under Section 20.4, or take other disciplinary or
11 non-disciplinary action for any one or more of the following:

12 (1) Violation of any provision of this Act or rule
13 adopted by the Department under this Act or violation of
14 professional standards.

15 (2) Dishonesty, fraud, or deceit in obtaining,
16 reinstating, or restoring a license or registration.

17 (3) Cancellation, revocation, suspension, denial of
18 licensure or registration, or refusal to renew a license or
19 privileges under Section 5.2 for disciplinary reasons in
20 any other U.S. jurisdiction, unit of government, or
21 government agency for any cause.

22 (4) Failure, on the part of a licensee under Section 13
23 or registrant under Section 16, to maintain compliance with
24 the requirements for issuance or renewal of a license or
25 registration or to report changes to the Department.

26 (5) Revocation or suspension of the right to practice

1 by or before any state or federal regulatory authority or
2 by the Public Company Accounting Oversight Board.

3 (6) Dishonesty, fraud, deceit, or gross negligence in
4 the performance of services as a licensee or registrant or
5 individual granted privileges under Section 5.2.

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

15 (8) Performance of any fraudulent act while holding a
16 license or privilege issued under this Act or prior law.

17 (9) Practicing on a revoked, suspended, or inactive
18 license or registration.

19 (10) Making or filing a report or record that the
20 registrant or licensee knows to be false, willfully failing
21 to file a report or record required by State or federal
22 law, willfully impeding or obstructing the filing or
23 inducing another person to impede or obstruct only those
24 that are signed in the capacity of a licensed CPA or a
25 registered CPA.

26 (11) Aiding or assisting another person in violating

1 any provision of this Act or rules promulgated hereunder.

2 (12) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (13) Habitual or excessive use or abuse of drugs,
6 alcohol, narcotics, stimulants, or any other substance
7 that results in the inability to practice with reasonable
8 skill, judgment, or safety.

9 (14) Directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership, or association
11 any fee, commission, rebate, or other form of compensation
12 for any professional service not actually rendered.

13 (15) Physical illness, including, but not limited to,
14 deterioration through the aging process or loss of motor
15 skill that results in the licensee or registrant's
16 inability to practice under this Act with reasonable
17 judgment, skill, or safety.

18 (16) Solicitation of professional services by using
19 false or misleading advertising.

20 (17) Any conduct reflecting adversely upon the
21 licensee's fitness to perform services while a licensee or
22 individual granted privileges under Section 5.2.

23 (18) Practicing or attempting to practice under a name
24 other than the full name as shown on the license or
25 registration or any other legally authorized name.

26 (19) A finding by the Department that a licensee or

1 registrant has not complied with a provision of any lawful
2 order issued by the Department.

3 (20) Making a false statement to the Department
4 regarding compliance with continuing professional
5 education or peer review requirements.

6 (21) Failing to make a substantive response to a
7 request for information by the Department within 30 days of
8 the request.

9 (b) (Blank).

10 (b-5) All fines or costs imposed under this Section shall
11 be paid within 60 days after the effective date of the order
12 imposing the fine or costs or in accordance with the terms set
13 forth in the order imposing the fine or cost.

14 (c) In cases where the Department of Healthcare and Family
15 Services has previously determined a licensee or a potential
16 licensee is more than 30 days delinquent in the payment of
17 child support and has subsequently certified the delinquency to
18 the Department, the Department may refuse to issue or renew or
19 may revoke or suspend that person's license or may take other
20 disciplinary or non-disciplinary action against that person
21 based solely upon the certification of delinquency made by the
22 Department of Healthcare and Family Services in accordance with
23 item (9) ~~(5)~~ of subsection (a) of Section 2105-15 of the
24 Department of Professional Regulation Law of the Civil
25 Administrative Code of Illinois.

26 (d) The Department may refuse to issue or may suspend

1 without hearing, as provided for in the Code of Civil
2 Procedure, the license or registration of any person who fails
3 to file a return, to pay a tax, penalty, or interest shown in a
4 filed return, or to pay any final assessment of tax, penalty,
5 or interest, as required by any tax Act administered by the
6 Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied in accordance
8 with subsection (g) of Section 2105-15 of the Department of
9 Professional Regulation Law of the Civil Administrative Code of
10 Illinois.

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

19 (f) The determination by a court that a licensee or
20 registrant is subject to involuntary admission or judicial
21 admission as provided in the Mental Health and Developmental
22 Disabilities Code will result in the automatic suspension of
23 his or her license or registration. The licensee or registrant
24 shall be responsible for notifying the Department of the
25 determination by the court that the licensee or registrant is
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental Disabilities
2 Code. The suspension shall end only upon a finding by a court
3 that the patient is no longer subject to involuntary admission
4 or judicial admission, the issuance of an order so finding and
5 discharging the patient, and the filing of a petition for
6 restoration demonstrating fitness to practice.

7 (g) In enforcing this Section, the Department, upon a
8 showing of a possible violation, may compel, any licensee or
9 registrant or any individual who has applied for licensure
10 under this Act, to submit to a mental or physical examination
11 and evaluation, or both, which may include a substance abuse or
12 sexual offender evaluation, at the expense of the Department.
13 The Department shall specifically designate the examining
14 physician licensed to practice medicine in all of its branches
15 or, if applicable, the multidisciplinary team involved in
16 providing the mental or physical examination and evaluation, or
17 both. The multidisciplinary team shall be led by a physician
18 licensed to practice medicine in all of its branches and may
19 consist of one or more or a combination of physicians licensed
20 to practice medicine in all of its branches, licensed
21 chiropractic physicians, licensed clinical psychologists,
22 licensed clinical social workers, licensed clinical
23 professional counselors, and other professional and
24 administrative staff. Any examining physician or member of the
25 multidisciplinary team may require any person ordered to submit
26 to an examination and evaluation under this Section to submit

1 to any additional supplemental testing deemed necessary to
2 complete any examination or evaluation process, including, but
3 not limited to, blood testing, urinalysis, psychological
4 testing, or neuropsychological testing. The Department may
5 order the examining physician or any member of the
6 multidisciplinary team to provide to the Department any and all
7 records, including business records, that relate to the
8 examination and evaluation, including any supplemental testing
9 performed. The Department may order the examining physician or
10 any member of the multidisciplinary team to present testimony
11 concerning this examination and evaluation of the licensee,
12 registrant, or applicant, including testimony concerning any
13 supplemental testing or documents relating to the examination
14 and evaluation. No information, report, record, or other
15 documents in any way related to the examination and evaluation
16 shall be excluded by reason of any common law or statutory
17 privilege relating to communication between the licensee,
18 registrant, or applicant and the examining physician or any
19 member of the multidisciplinary team. No authorization is
20 necessary from the individual ordered to undergo an evaluation
21 and examination for the examining physician or any member of
22 the multidisciplinary team to provide information, reports,
23 records, or other documents or to provide any testimony
24 regarding the examination and evaluation.

25 The individual to be examined may have, at his or her own
26 expense, another physician of his or her choice present during

1 all aspects of the examination. Failure of any individual to
2 submit to mental or physical examination and evaluation, or
3 both, when directed, shall result in an automatic suspension,
4 without hearing, until such time as the individual submits to
5 the examination. If the Department finds a licensee,
6 registrant, or applicant unable to practice because of the
7 reasons set forth in this Section, the Department shall require
8 such licensee, registrant, or applicant to submit to care,
9 counseling, or treatment by physicians approved or designated
10 by the Department, as a condition for continued, reinstated, or
11 renewed licensure to practice.

12 When the Secretary immediately suspends a license or
13 registration under this Section, a hearing upon such person's
14 license or registration must be convened by the Department
15 within 15 days after such suspension and completed without
16 appreciable delay. The Department shall have the authority to
17 review the subject's record of treatment and counseling
18 regarding the impairment, to the extent permitted by applicable
19 federal statutes and regulations safeguarding the
20 confidentiality of medical records.

21 Individuals licensed or registered under this Act,
22 affected under this Section, shall be afforded an opportunity
23 to demonstrate to the Department that they can resume practice
24 in compliance with acceptable and prevailing standards under
25 the provisions of their license or registration.

26 (Source: P.A. 98-254, eff. 8-9-13.)

1 Section 130. The Real Estate License Act of 2000 is amended
2 by changing Section 20-20 as follows:

3 (225 ILCS 454/20-20)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 20-20. Grounds for discipline.

6 (a) The Department may refuse to issue or renew a license,
7 may place on probation, suspend, or revoke any license,
8 reprimand, or take any other disciplinary or non-disciplinary
9 action as the Department may deem proper and impose a fine not
10 to exceed \$25,000 upon any licensee or applicant under this Act
11 or any person who holds himself or herself out as an applicant
12 or licensee or against a licensee in handling his or her own
13 property, whether held by deed, option, or otherwise, for any
14 one or any combination of the following causes:

15 (1) Fraud or misrepresentation in applying for, or
16 procuring, a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (2) The conviction of or plea of guilty or plea of nolo
19 contendere to a felony or misdemeanor in this State or any
20 other jurisdiction; or the entry of an administrative
21 sanction by a government agency in this State or any other
22 jurisdiction. Action taken under this paragraph (2) for a
23 misdemeanor or an administrative sanction is limited to a
24 misdemeanor or administrative sanction that has as an

1 essential element dishonesty or fraud or involves larceny,
2 embezzlement, or obtaining money, property, or credit by
3 false pretenses or by means of a confidence game.

4 (3) Inability to practice the profession with
5 reasonable judgment, skill, or safety as a result of a
6 physical illness, including, but not limited to,
7 deterioration through the aging process or loss of motor
8 skill, or a mental illness or disability.

9 (4) Practice under this Act as a licensee in a retail
10 sales establishment from an office, desk, or space that is
11 not separated from the main retail business by a separate
12 and distinct area within the establishment.

13 (5) Having been disciplined by another state, the
14 District of Columbia, a territory, a foreign nation, or a
15 governmental agency authorized to impose discipline if at
16 least one of the grounds for that discipline is the same as
17 or the equivalent of one of the grounds for which a
18 licensee may be disciplined under this Act. A certified
19 copy of the record of the action by the other state or
20 jurisdiction shall be prima facie evidence thereof.

21 (6) Engaging in the practice of real estate brokerage
22 without a license or after the licensee's license was
23 expired or while the license was inoperative.

24 (7) Cheating on or attempting to subvert the Real
25 Estate License Exam or continuing education exam.

26 (8) Aiding or abetting an applicant to subvert or cheat

1 on the Real Estate License Exam or continuing education
2 exam administered pursuant to this Act.

3 (9) Advertising that is inaccurate, misleading, or
4 contrary to the provisions of the Act.

5 (10) Making any substantial misrepresentation or
6 untruthful advertising.

7 (11) Making any false promises of a character likely to
8 influence, persuade, or induce.

9 (12) Pursuing a continued and flagrant course of
10 misrepresentation or the making of false promises through
11 licensees, employees, agents, advertising, or otherwise.

12 (13) Any misleading or untruthful advertising, or
13 using any trade name or insignia of membership in any real
14 estate organization of which the licensee is not a member.

15 (14) Acting for more than one party in a transaction
16 without providing written notice to all parties for whom
17 the licensee acts.

18 (15) Representing or attempting to represent a broker
19 other than the sponsoring broker.

20 (16) Failure to account for or to remit any moneys or
21 documents coming into his or her possession that belong to
22 others.

23 (17) Failure to maintain and deposit in a special
24 account, separate and apart from personal and other
25 business accounts, all escrow moneys belonging to others
26 entrusted to a licensee while acting as a real estate

1 broker, escrow agent, or temporary custodian of the funds
2 of others or failure to maintain all escrow moneys on
3 deposit in the account until the transactions are
4 consummated or terminated, except to the extent that the
5 moneys, or any part thereof, shall be:

6 (A) disbursed prior to the consummation or
7 termination (i) in accordance with the written
8 direction of the principals to the transaction or their
9 duly authorized agents, (ii) in accordance with
10 directions providing for the release, payment, or
11 distribution of escrow moneys contained in any written
12 contract signed by the principals to the transaction or
13 their duly authorized agents, or (iii) pursuant to an
14 order of a court of competent jurisdiction; or

15 (B) deemed abandoned and transferred to the Office
16 of the State Treasurer to be handled as unclaimed
17 property pursuant to the Uniform Disposition of
18 Unclaimed Property Act. Escrow moneys may be deemed
19 abandoned under this subparagraph (B) only: (i) in the
20 absence of disbursement under subparagraph (A); (ii)
21 in the absence of notice of the filing of any claim in
22 a court of competent jurisdiction; and (iii) if 6
23 months have elapsed after the receipt of a written
24 demand for the escrow moneys from one of the principals
25 to the transaction or the principal's duly authorized
26 agent.

1 The account shall be noninterest bearing, unless the
2 character of the deposit is such that payment of interest
3 thereon is otherwise required by law or unless the
4 principals to the transaction specifically require, in
5 writing, that the deposit be placed in an interest bearing
6 account.

7 (18) Failure to make available to the Department all
8 escrow records and related documents maintained in
9 connection with the practice of real estate within 24 hours
10 of a request for those documents by Department personnel.

11 (19) Failing to furnish copies upon request of
12 documents relating to a real estate transaction to a party
13 who has executed that document.

14 (20) Failure of a sponsoring broker to timely provide
15 information, sponsor cards, or termination of licenses to
16 the Department.

17 (21) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public.

20 (22) Commingling the money or property of others with
21 his or her own money or property.

22 (23) Employing any person on a purely temporary or
23 single deal basis as a means of evading the law regarding
24 payment of commission to nonlicensees on some contemplated
25 transactions.

26 (24) Permitting the use of his or her license as a

1 broker to enable a salesperson or unlicensed person to
2 operate a real estate business without actual
3 participation therein and control thereof by the broker.

4 (25) Any other conduct, whether of the same or a
5 different character from that specified in this Section,
6 that constitutes dishonest dealing.

7 (26) Displaying a "for rent" or "for sale" sign on any
8 property without the written consent of an owner or his or
9 her duly authorized agent or advertising by any means that
10 any property is for sale or for rent without the written
11 consent of the owner or his or her authorized agent.

12 (27) Failing to provide information requested by the
13 Department, or otherwise respond to that request, within 30
14 days of the request.

15 (28) Advertising by means of a blind advertisement,
16 except as otherwise permitted in Section 10-30 of this Act.

17 (29) Offering guaranteed sales plans, as defined in
18 clause (A) of this subdivision (29), except to the extent
19 hereinafter set forth:

20 (A) A "guaranteed sales plan" is any real estate
21 purchase or sales plan whereby a licensee enters into a
22 conditional or unconditional written contract with a
23 seller, prior to entering into a brokerage agreement
24 with the seller, by the terms of which a licensee
25 agrees to purchase a property of the seller within a
26 specified period of time at a specific price in the

1 event the property is not sold in accordance with the
2 terms of a brokerage agreement to be entered into
3 between the sponsoring broker and the seller.

4 (B) A licensee offering a guaranteed sales plan
5 shall provide the details and conditions of the plan in
6 writing to the party to whom the plan is offered.

7 (C) A licensee offering a guaranteed sales plan
8 shall provide to the party to whom the plan is offered
9 evidence of sufficient financial resources to satisfy
10 the commitment to purchase undertaken by the broker in
11 the plan.

12 (D) Any licensee offering a guaranteed sales plan
13 shall undertake to market the property of the seller
14 subject to the plan in the same manner in which the
15 broker would market any other property, unless the
16 agreement with the seller provides otherwise.

17 (E) The licensee cannot purchase seller's property
18 until the brokerage agreement has ended according to
19 its terms or is otherwise terminated.

20 (F) Any licensee who fails to perform on a
21 guaranteed sales plan in strict accordance with its
22 terms shall be subject to all the penalties provided in
23 this Act for violations thereof and, in addition, shall
24 be subject to a civil fine payable to the party injured
25 by the default in an amount of up to \$25,000.

26 (30) Influencing or attempting to influence, by any

1 words or acts, a prospective seller, purchaser, occupant,
2 landlord, or tenant of real estate, in connection with
3 viewing, buying, or leasing real estate, so as to promote
4 or tend to promote the continuance or maintenance of
5 racially and religiously segregated housing or so as to
6 retard, obstruct, or discourage racially integrated
7 housing on or in any street, block, neighborhood, or
8 community.

9 (31) Engaging in any act that constitutes a violation
10 of any provision of Article 3 of the Illinois Human Rights
11 Act, whether or not a complaint has been filed with or
12 adjudicated by the Human Rights Commission.

13 (32) Inducing any party to a contract of sale or lease
14 or brokerage agreement to break the contract of sale or
15 lease or brokerage agreement for the purpose of
16 substituting, in lieu thereof, a new contract for sale or
17 lease or brokerage agreement with a third party.

18 (33) Negotiating a sale, exchange, or lease of real
19 estate directly with any person if the licensee knows that
20 the person has an exclusive brokerage agreement with
21 another broker, unless specifically authorized by that
22 broker.

23 (34) When a licensee is also an attorney, acting as the
24 attorney for either the buyer or the seller in the same
25 transaction in which the licensee is acting or has acted as
26 a broker or salesperson.

1 (35) Advertising or offering merchandise or services
2 as free if any conditions or obligations necessary for
3 receiving the merchandise or services are not disclosed in
4 the same advertisement or offer. These conditions or
5 obligations include without limitation the requirement
6 that the recipient attend a promotional activity or visit a
7 real estate site. As used in this subdivision (35), "free"
8 includes terms such as "award", "prize", "no charge", "free
9 of charge", "without charge", and similar words or phrases
10 that reasonably lead a person to believe that he or she may
11 receive or has been selected to receive something of value,
12 without any conditions or obligations on the part of the
13 recipient.

14 (36) Disregarding or violating any provision of the
15 Land Sales Registration Act of 1989, the Illinois Real
16 Estate Time-Share Act, or the published rules promulgated
17 by the Department to enforce those Acts.

18 (37) Violating the terms of a disciplinary order issued
19 by the Department.

20 (38) Paying or failing to disclose compensation in
21 violation of Article 10 of this Act.

22 (39) Requiring a party to a transaction who is not a
23 client of the licensee to allow the licensee to retain a
24 portion of the escrow moneys for payment of the licensee's
25 commission or expenses as a condition for release of the
26 escrow moneys to that party.

1 (40) Disregarding or violating any provision of this
2 Act or the published rules promulgated by the Department to
3 enforce this Act or aiding or abetting any individual,
4 partnership, registered limited liability partnership,
5 limited liability company, or corporation in disregarding
6 any provision of this Act or the published rules
7 promulgated by the Department to enforce this Act.

8 (41) Failing to provide the minimum services required
9 by Section 15-75 of this Act when acting under an exclusive
10 brokerage agreement.

11 (42) Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 that results in a managing broker, broker, salesperson, or
14 leasing agent's inability to practice with reasonable
15 skill or safety.

16 (43) Enabling, aiding, or abetting an auctioneer, as
17 defined in the Auction License Act, to conduct a real
18 estate auction in a manner that is in violation of this
19 Act.

20 (b) The Department may refuse to issue or renew or may
21 suspend the license of any person who fails to file a return,
22 pay the tax, penalty or interest shown in a filed return, or
23 pay any final assessment of tax, penalty, or interest, as
24 required by any tax Act administered by the Department of
25 Revenue, until such time as the requirements of that tax Act
26 are satisfied in accordance with subsection (g) of Section

1 2105-15 of the Civil Administrative Code of Illinois.

2 (c) The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State in accordance with item (7) ~~(5)~~ of
7 subsection (a) of Section 2105-15 of the Civil Administrative
8 Code of Illinois.

9 (d) In cases where the Department of Healthcare and Family
10 Services (formerly Department of Public Aid) has previously
11 determined that a licensee or a potential licensee is more than
12 30 days delinquent in the payment of child support and has
13 subsequently certified the delinquency to the Department may
14 refuse to issue or renew or may revoke or suspend that person's
15 license or may take other disciplinary action against that
16 person based solely upon the certification of delinquency made
17 by the Department of Healthcare and Family Services in
18 accordance with item (9) ~~(5)~~ of subsection (a) of Section
19 2105-15 of the Civil Administrative Code of Illinois.

20 (e) In enforcing this Section, the Department or Board upon
21 a showing of a possible violation may compel an individual
22 licensed to practice under this Act, or who has applied for
23 licensure under this Act, to submit to a mental or physical
24 examination, or both, as required by and at the expense of the
25 Department. The Department or Board may order the examining
26 physician to present testimony concerning the mental or

1 physical examination of the licensee or applicant. No
2 information shall be excluded by reason of any common law or
3 statutory privilege relating to communications between the
4 licensee or applicant and the examining physician. The
5 examining physicians shall be specifically designated by the
6 Board or Department. The individual to be examined may have, at
7 his or her own expense, another physician of his or her choice
8 present during all aspects of this examination. Failure of an
9 individual to submit to a mental or physical examination, when
10 directed, shall be grounds for suspension of his or her license
11 until the individual submits to the examination if the
12 Department finds, after notice and hearing, that the refusal to
13 submit to the examination was without reasonable cause.

14 If the Department or Board finds an individual unable to
15 practice because of the reasons set forth in this Section, the
16 Department or Board may require that individual to submit to
17 care, counseling, or treatment by physicians approved or
18 designated by the Department or Board, as a condition, term, or
19 restriction for continued, reinstated, or renewed licensure to
20 practice; or, in lieu of care, counseling, or treatment, the
21 Department may file, or the Board may recommend to the
22 Department to file, a complaint to immediately suspend, revoke,
23 or otherwise discipline the license of the individual. An
24 individual whose license was granted, continued, reinstated,
25 renewed, disciplined or supervised subject to such terms,
26 conditions, or restrictions, and who fails to comply with such

1 terms, conditions, or restrictions, shall be referred to the
2 Secretary for a determination as to whether the individual
3 shall have his or her license suspended immediately, pending a
4 hearing by the Department.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that person's
7 license must be convened by the Department within 30 days after
8 the suspension and completed without appreciable delay. The
9 Department and Board shall have the authority to review the
10 subject individual's record of treatment and counseling
11 regarding the impairment to the extent permitted by applicable
12 federal statutes and regulations safeguarding the
13 confidentiality of medical records.

14 An individual licensed under this Act and affected under
15 this Section shall be afforded an opportunity to demonstrate to
16 the Department or Board that he or she can resume practice in
17 compliance with acceptable and prevailing standards under the
18 provisions of his or her license.

19 (Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12;
20 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

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