

1 "Director" means the Director of Professional Regulation.

2 "Electrologist" means an individual licensed to practice
3 electrology pursuant to the provisions of this Act.

4 "Electrology" means the practice or teaching of permanent
5 hair removal utilizing only solid probe electrode type
6 epilation, which may include thermolysis (shortwave, high
7 frequency), electrolysis (galvanic), or a combination of both
8 (superimposed or sequential blend).

9 Section 15. License required. Beginning January 1, 2003,
10 no person shall engage in the practice of electrology or hold
11 himself or herself out as an electrologist in this State
12 without a license issued by the Department under this Act.

13 Section 20. Exemptions. This Act does not prohibit:

14 (1) A person licensed in this State under any other Act
15 from engaging in the practice for which that person is
16 licensed.

17 (2) The practice of electrology by a person who is
18 employed by the United States government or any bureau,
19 division, or agency thereof while in the discharge of the
20 employee's official duties.

21 (3) The practice of electrology included in a program of
22 study by students enrolled in schools or in refresher courses
23 approved by the Department.

24 Section 25. Application. Applications for original
25 licenses shall be made to the Department in writing on forms
26 prescribed by the Department and shall be accompanied by the
27 required fee, which is not refundable. The application shall
28 require any information as, in the judgment of the
29 Department, will enable the Department to pass on the
30 qualifications of the applicant for a license. The
31 application shall include evidence of passage of an

1 examination recognized by the Department.

2 Section 30. Qualifications for licensure. A person shall
3 be qualified for licensure as an electrologist if that person
4 has met all of the following requirements:

5 (1) Has applied in writing on the prescribed forms
6 and has paid the required fees.

7 (2) Has not violated any of the provisions of
8 Section 75 of this Act or the rules promulgated under
9 this Act. The Department shall take into consideration
10 any felony conviction of the applicant, but a conviction
11 shall not operate as an absolute bar to licensure.

12 (3) Is at least 18 years of age.

13 (4) Has received his or her high school diploma or
14 equivalent.

15 (5) Has completed an electrology program approved
16 by the Department.

17 (6) Has successfully completed an examination
18 approved by the Department that tests the applicant's
19 knowledge of the theory and clinical practice of
20 electrology.

21 Section 32. Social Security number on license
22 application. In addition to any other information required to
23 be contained in the application, every application for an
24 original, renewal, or restored license under this Act shall
25 include the applicant's social security number.

26 Section 33. Grandfather provision. For a period of 12
27 months after the filing of the original administrative rules
28 adopted under this Act, the Department may issue a license to
29 any individual who, in addition to meeting the requirements
30 set forth in paragraphs (1), (2), (3), and (4) of Section 30,
31 can document employment as an electrologist and has received

1 remuneration for practicing electrology for a period of 3
2 years and can show proof of one of the following: (i) current
3 board certification by a national electrology certifying body
4 approved by the Department; or (ii) completion of 75
5 continuing education units in electrology approved by the
6 Department.

7 Section 35. Powers and duties of the Department.

8 (a) The Department shall exercise the powers and duties
9 prescribed by the Civil Administrative Code of Illinois for
10 the administration of licensing Acts and shall exercise any
11 other powers and duties necessary for effectuating the
12 purposes of this Act.

13 (b) The Department may adopt rules consistent with the
14 provisions of this Act for its administration and enforcement
15 and may prescribe forms that shall be issued in connection
16 with this Act. The rules may include but are not limited to
17 standards and criteria for licensure, professional conduct,
18 and discipline.

19 Section 40. Administrative Procedure Act. The Illinois
20 Administrative Procedure Act is hereby expressly adopted and
21 incorporated in this Act as if all of the provisions of the
22 Illinois Administrative Procedure Act were included in this
23 Act, except that the provision of paragraph (c) of Section
24 10-65 of the Illinois Administrative Procedure Act, which
25 provides that at hearings the licensee has the right to show
26 compliance with all lawful requirements for retention,
27 continuation, or renewal of the license, is specifically
28 excluded. For the purposes of this Act, the notice required
29 under Section 10-25 of the Illinois Administrative Procedure
30 Act is considered to be sufficient when mailed to the last
31 known address of the party.

1 Section 45. Electrologist Licensing Board. The Director
2 shall appoint an Electrologist Licensing Board consisting of
3 5 persons who shall serve in an advisory capacity to the
4 Director. One member must be a physician licensed to
5 practice medicine in all of its branches in this State; 3
6 members must be licensed electrologists in good standing and
7 actively engaged in the practice of electrology in this
8 State; and one member must be a public member who is not
9 licensed under this Act or a similar Act of another
10 jurisdiction, and is not a licensed health care professional.

11 Members shall serve 4-year terms and until their
12 successors are appointed and have qualified; except that of
13 the initial appointments 2 shall be appointed to serve for 2
14 years, 2 shall be appointed to serve for 3 years, and the
15 public member shall be appointed to serve for 4 years, and
16 until their successors are appointed and have qualified. No
17 member shall be reappointed to the Board for more than 2
18 terms. Appointments to fill vacancies shall be made in the
19 same manner as original appointments, for the unexpired
20 portion of the vacated term. Initial terms shall begin upon
21 the date of appointment.

22 The membership of the Board should reasonably reflect
23 representation from the various geographic areas in this
24 State.

25 The Director may terminate the appointment of any member
26 for cause that, in the opinion of the Director, reasonably
27 justifies a termination.

28 The Director shall consider the recommendations of the
29 Board on questions involving standards of professional
30 conduct, discipline, and qualifications of candidates and
31 license holders under this Act.

32 Section 50. Issuance of license. Upon the satisfactory
33 completion of the application and examination procedures, and

1 compliance with the applicable rules of the Department, the
2 Department shall issue an electrologist license to the
3 qualifying applicant.

4 Section 55. Endorsement. Pursuant to the rules of the
5 Department, upon payment of the required fee, an applicant
6 who has been licensed in another state that has substantially
7 the same requirements as those required for licensure under
8 the provisions of this Act may be granted a license as an
9 electrologist.

10 Section 60. Renewal; armed service duty. The expiration
11 date and renewal period for each license issued under this
12 Act shall be set by rule. Renewal shall be conditioned on
13 paying the required fee and meeting other requirements as may
14 be established by rule. All renewal applicants shall provide
15 proof of having met the continuing education requirements
16 approved by the Department consisting of the equivalent of 30
17 continuing education units every 24 months.

18 Any electrologist who has permitted a license to expire
19 or who has a license on inactive status may have the license
20 restored by submitting an application to the Department,
21 filing proof acceptable to the Department of fitness to have
22 the license restored, and paying the required fees. Proof of
23 fitness may include sworn evidence certifying to active
24 lawful practice in another jurisdiction.

25 The Department shall determine, by an evaluation process
26 established by rule, a person's fitness for restoration of a
27 license and shall establish procedures and requirements for
28 restoration.

29 Any electrologist whose license expired while (i) on
30 active duty with the Armed Forces of the United States, or
31 the State Militia called into service or training, or (ii) in
32 training or education under the supervision of the United

1 States preliminary to induction into the military service,
2 may have the license restored without paying any lapsed
3 renewal fees if, within 2 years after honorable termination
4 of service, training or education, the licensee furnishes the
5 Department with satisfactory evidence to the effect that the
6 licensee has been so engaged and that the service, training,
7 or education has been so terminated.

8 Section 65. Inactive status. Any electrologist who
9 notifies the Department in writing on forms prescribed by the
10 Department may elect to place a license on inactive status
11 and shall, subject to rules of the Department, be excused
12 from payment of renewal fees until the Department is notified
13 in writing of the intention to restore the license.

14 An electrologist requesting restoration from inactive
15 status shall be required to pay the current renewal fee and
16 shall be required to follow procedures to restore the license
17 as provided in Section 60 of this Act.

18 An electrologist whose license is on inactive status
19 shall not practice in the State of Illinois.

20 A licensee who engages in practice with a lapsed license
21 or a license on inactive status shall be considered to be
22 practicing without a license, which shall be grounds for
23 discipline under Section 75 of this Act.

24 Section 70. Fees. The Department, by rule, shall
25 establish fees to be imposed for a license application,
26 renewal of a license, restoration of a license other than
27 from inactive status, or for the issuance of a duplicate
28 license, replacement license, or a license that has been lost
29 or destroyed. All fees are non-refundable.

30 Section 75. Grounds for discipline.

31 (a) The Department may refuse to issue or renew and may

1 revoke or suspend a license under this Act, and may place on
2 probation, censure, reprimand, or take other disciplinary
3 action with regard to any licensee under this Act, as the
4 Department may consider proper, including the issuance of
5 fines not to exceed \$5,000 for each violation, for one or any
6 combination of the following causes:

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

9 (2) Violation of this Act or its rules.

10 (3) Conviction of any felony under the laws of any
11 U.S. jurisdiction, any misdemeanor an essential element
12 of which is dishonesty, or any crime that is directly
13 related to the practice of the profession.

14 (4) Making any misrepresentation for the purpose of
15 obtaining a license.

16 (5) Professional incompetence.

17 (6) Aiding or assisting another person in violating
18 any provision of this Act or its rules.

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

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

24 (9) Habitual or excessive use or addiction to
25 alcohol, narcotics, stimulants, or any other chemical
26 agent or drug that results in an electrologist's
27 inability to practice with reasonable judgement, skill,
28 or safety.

29 (10) Discipline by another U.S. jurisdiction or
30 foreign nation if at least one of the grounds for
31 discipline is the same as or substantially equivalent to
32 any of those set forth in this Act.

33 (11) Directly or indirectly giving to or receiving
34 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of
2 compensation for any professional services not actually
3 or personally rendered.

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

7 (13) Abandonment of a patient.

8 (14) Willfully making or filing false records or
9 reports in the licensee's practice, including, but not
10 limited to, false records filed with State agencies or
11 departments.

12 (15) Physical illness, including, but not limited
13 to, deterioration through the aging process or loss of
14 motor skill that results in the inability to practice the
15 profession with reasonable judgment, skill, or safety.

16 (16) Gross malpractice resulting in permanent
17 injury or death of a patient.

18 (17) Use of fraud, deception, or any unlawful means
19 in applying for and securing a license as an
20 electrologist.

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

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

27 (b) The Department may refuse to issue or renew or may
28 suspend the license of any person who fails to file a return,
29 to pay the tax, penalty or interest shown in a filed return,
30 or to pay any final assessment of the tax, penalty, or
31 interest as required by any tax Act administered by the
32 Illinois Department of Revenue until the requirements of the
33 tax Act are satisfied.

34 (c) The determination by a circuit court that a licensee

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

10 Section 80. Dishonored checks. A person who issues or
11 delivers a check or other order to the Department that is not
12 honored on 2 occasions by the financial institution upon
13 which it is drawn because of insufficient funds on account,
14 the account is closed, or a stop payment has been placed on
15 the check or order shall pay to the Department, in addition
16 to the amount owing upon the check or other order, a fee of
17 \$50. If the check or other order was issued or delivered in
18 payment of a renewal fee, and the person whose license has
19 lapsed continues to practice as an electrologist without
20 paying the renewal fee and the \$50 fee required under this
21 Section, an additional fee of \$100 shall be imposed. The
22 fees imposed by this Section are in addition to any other
23 penalties imposed by this Act for practice without a license.
24 The Department shall notify the person whose license has
25 lapsed, within 30 days after the discovery of the lapse, that
26 the individual is engaged in unauthorized practice as an
27 electrologist, and of the amount due to the Department,
28 including the lapsed renewal fee and all other fees required
29 by this Section. If, after the expiration of 30 days after
30 the date of notification, the person whose license has lapsed
31 seeks a current license, he or she must apply to the
32 Department for restoration of the license and pay all fees
33 due to the Department. The Department may establish a fee

1 for the processing of an application for restoration of a
2 license that allows the Department to pay all costs and
3 expenses incident to the processing of the application. The
4 Director may waive the fees due under this Section in
5 individual cases where he or she finds that the fees would be
6 unreasonable or unnecessarily burdensome.

7 Section 85. Violations; injunctions.

8 (a) If any person violates any provision of this Act,
9 the Director may, in the name of the People of the State of
10 Illinois through the Attorney General of the State of
11 Illinois or the State's Attorney of any county in which the
12 action is brought, petition for an order enjoining the
13 violation or for an order enforcing compliance with this Act.
14 Upon the filing of a verified petition in court, the court
15 may issue a temporary restraining order, without notice or
16 bond, and may preliminarily and permanently enjoin the
17 violation. If it is established that the person has violated
18 or is violating the injunction, the Court may punish the
19 offender for contempt of court. Proceedings under this
20 Section shall be in addition to, and not in lieu of, all
21 other remedies and penalties provided by this Act.

22 (b) If a person practices as an electrologist or holds
23 himself or herself out as an electrologist without being
24 licensed under the provisions of this Act, then any licensed
25 electrologist, any interested party, or any person injured
26 thereby may, in addition to the Director, petition for relief
27 as provided in subsection (a) of this Section.

28 (c) Whenever, in the opinion of the Department, a person
29 violates any provision of this Act, the Department may issue
30 a rule to show cause why an order to cease and desist should
31 not be entered against that person. The rule shall clearly
32 set forth the grounds relied upon by the Department and shall
33 provide a period of 7 days after the date of the rule to file

1 an answer to the satisfaction of the Department. Failure to
2 answer to the satisfaction of the Department shall cause an
3 order to cease and desist to be issued immediately.

4 Section 90. Investigations; notice. The Department may
5 investigate the actions of an applicant or a person holding
6 or claiming to hold a license. The Department shall, before
7 suspending, revoking, placing on probationary status, or
8 taking any other disciplinary action as the Department may
9 consider proper with regard to any license, at least 30 days
10 before the date set for the hearing, notify the accused in
11 writing of any charges made and the time and place for a
12 hearing on the charges before the Board. The Department shall
13 direct the accused to file a written answer with the Board
14 under oath within 20 days after the service of the notice,
15 and inform the accused that failure to file an answer will
16 result in default being taken and that the accused's license
17 may be suspended, revoked, or placed on probationary status,
18 and other disciplinary action may be taken, including
19 limiting the scope, nature, or extent of practice, as the
20 Department may consider proper. The written notice may be
21 served by personal delivery or certified or registered mail
22 at the address of the person's last notification to the
23 Department. At the time and place fixed in the notice, the
24 Department shall proceed to hear the charges and the parties
25 shall be accorded ample opportunity to present any
26 statements, testimony, evidence, and argument as may be
27 pertinent to the charges or their defense. The Department may
28 continue the hearing from time to time. In case the accused
29 person, after receiving notice, fails to file an answer, his
30 or her license, in the discretion of the Director, having
31 first received the recommendation of the Board, may be
32 suspended, revoked, or placed on probationary status, and the
33 Director may take whatever disciplinary action he or she may

1 consider proper, including limiting the scope, nature, or
2 extent of the person's practice, without a hearing, if the
3 act or acts charged constitute sufficient grounds for this
4 action under this Act.

5 Section 95. Record of proceedings. The Department, at
6 its expense, shall preserve a record of all proceedings at
7 the formal hearing of any case involving the refusal to issue
8 or renew a license, or the discipline of a licensee. The
9 notice of hearing, the complaint and all other documents in
10 the nature of pleadings and written motions filed in the
11 proceedings, the transcript of testimony, the report of the
12 Board or hearing officer, and the orders of the Department
13 shall be included in the record of the proceeding.

14 Section 100. Required testimony. Upon application of
15 the Department or its designee, or of the person against whom
16 proceedings pursuant to Section 70 of this Act are pending,
17 any circuit court may enter an order requiring the
18 attendance of witnesses and their testimony, and the
19 production of documents, paper, files, books, and records in
20 connection with any hearing or investigation. The court may
21 compel obedience to its order by proceedings for contempt.

22 Section 105. Subpoena power; oaths. The Department has
23 power to subpoena and bring before it any person in this
24 State and to take testimony either orally, by deposition, or
25 both, with the same fees and mileage and in the same manner
26 as prescribed by law in judicial proceedings in civil cases
27 in circuit courts of this State.

28 The Director, and any member of the Board designated by
29 the Director, may administer oaths to witnesses at any
30 hearing that the Department is authorized to conduct under
31 this Act and any other oaths required or authorized to be

1 administered by the Department.

2 Section 110. Board report. At the conclusion of the
3 hearing, the Board shall present to the Director a written
4 report of its findings of fact, conclusions of law, and
5 recommendations. The report shall contain a finding of
6 whether or not the accused person violated this Act or failed
7 to comply with the conditions required in this Act. The
8 Board shall specify the nature of the violation or failure to
9 comply, and shall make its recommendations to the Director.

10 The report of findings of fact, conclusions of law, and
11 recommendation of the Board shall be the basis for the
12 Department's order for refusal or for the granting of a
13 license. If the Director disagrees in any regard with the
14 report of the Board, the Director may issue an order in
15 contravention of the report. The Director shall provide a
16 written explanation to the Board on any deviation from the
17 report and shall specify with particularity the reasons for
18 this action in the final order. The finding is not admissible
19 in evidence against the person in a criminal prosecution
20 brought for the violation of this Act, but the hearing and
21 finding are not a bar to a criminal prosecution brought for
22 the violation of this Act.

23 Section 115. Hearing officer. Notwithstanding the
24 provisions of Section 90 of this Act, the Director has the
25 authority to appoint any attorney duly licensed to practice
26 law in the State of Illinois to serve as the hearing officer
27 in any action for refusal to issue or renew a license, or the
28 discipline of a licensee. The Director shall notify the
29 Board of an appointment of a hearing officer. The hearing
30 officer has full authority to conduct the hearing. The
31 hearing officer shall report his or her findings of fact,
32 conclusions of law, and recommendations to the Board and the

1 Director. The Board shall have 60 days after receipt of the
2 report to review the report of the hearing officer and
3 present its findings of fact, conclusions of law, and
4 recommendations to the Director. If the Board fails to
5 present its report within the 60-day period, the Director
6 shall issue an order based on the report of the hearing
7 officer. If the Director disagrees in any regard with the
8 report of the Board or hearing officer, he or she may issue
9 an order in contravention of the report. The Director shall
10 provide a written explanation to the Board on any deviation
11 from the report, and shall specify with particularity the
12 reasons for that action in the final order.

13 Section 120. Service of report. In any case involving
14 the refusal to issue or renew a license, or the discipline of
15 a licensee, a copy of the Board's report shall be served upon
16 the respondent by the Department, either personally or as
17 provided in this Act for the service of the notice of
18 hearing. Within 20 days after service, the respondent may
19 present to the Department a motion in writing for a rehearing
20 which shall specify the particular grounds for rehearing. If
21 no motion for rehearing is filed, then upon the expiration of
22 the time specified for filing a motion, or if a motion for
23 rehearing is denied, then upon denial, the Director may enter
24 an order in accordance with the recommendation of the Board.
25 If the respondent orders from the reporting service, and pays
26 for, a transcript of the record within the time for filing a
27 motion for rehearing, the 20-day period within which a motion
28 may be filed shall commence upon the delivery of the
29 transcript to the respondent.

30 Section 125. Rehearing. Whenever the Director is not
31 satisfied that substantial justice has been done in the
32 revocation, suspension, or refusal to issue or renew a

1 license, the Director may order a rehearing by the same or
2 another hearing officer or by the Board.

3 Section 130. Order or certified copy as prima facie
4 proof. An order or a certified copy thereof, over the seal
5 of the Department and purporting to be signed by the
6 Director, shall be prima facie proof:

7 (1) that the signature is the genuine signature of
8 the Director;

9 (2) that the Director is duly appointed and
10 qualified; and

11 (3) that the Board and its members are qualified to
12 act.

13 Section 135. License restoration. At any time after the
14 suspension or revocation of a license the Department may
15 restore it to the accused person, unless after an
16 investigation and a hearing the Department determines that
17 restoration is not in the public interest.

18 Section 140. Surrender of license. Upon the revocation
19 or suspension of any license, the licensee shall immediately
20 surrender the license to the Department, and if the licensee
21 fails to do so, the Department has the right to seize the
22 license.

23 Section 145. Temporary suspension. The Director may
24 temporarily suspend the license of an electrologist without a
25 hearing, simultaneously with the institution of proceedings
26 for a hearing under Section 90 of this Act, if the Director
27 finds that evidence in his or her possession indicates that
28 continuation in practice would constitute an imminent danger
29 to the public. In the event that the Director temporarily
30 suspends a license without a hearing, a hearing by the

1 Department must be held within 30 days after the suspension
2 has occurred, and concluded without appreciable delay.

3 Section 150. Administrative Review Law. All final
4 administrative decisions of the Department are subject to
5 judicial review under the Administrative Review Law and its
6 rules. The term "administrative decision" is defined as in
7 Section 3-101 of the Code of Civil Procedure.

8 Proceedings for judicial review shall be commenced in the
9 circuit court of the county in which the party applying for
10 review resides. If the party is not a resident of this State,
11 venue shall be in Sangamon County.

12 Section 155. Certification of record. The Department
13 shall not be required to certify any record to the court,
14 file any answer in court, or otherwise appear in any court in
15 a judicial review proceedings unless there is filed in the
16 court, with the complaint, a receipt from the Department
17 acknowledging payment of the costs of furnishing and
18 certifying the record. Failure on the part of the plaintiff
19 to file a receipt in court is grounds for dismissal of the
20 action.

21 Section 160. Penalties. A person who is found to have
22 knowingly violated any provision of this Act is guilty of a
23 Class A misdemeanor. On conviction of a second or subsequent
24 offense the violator is guilty of a Class 4 felony.

25 Section 165. Deposit of fees and fines. All of the fees
26 and fines collected under this Act shall be deposited into
27 the General Professions Dedicated Fund.

28 Section 170. Home rule. The regulation and licensing of
29 electrologists are exclusive powers and functions of the

1 State. A home rule unit may not regulate or license
2 electrologists. This Section is a denial and limitation of
3 home rule powers and functions under subsection (h) of
4 Section 6 of Article VII of the Illinois Constitution.

5 Section 900. The Regulatory Sunset Act is amended by
6 adding Section 4.23 as follows:

7 (5 ILCS 80/4.23 new)

8 Sec. 4.23. Act repealed on January 1, 2013. The
9 following Act is repealed on January 1, 2013:

10 The Electrologist Licensing Act.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law."