

1 AN ACT concerning the regulation of professions.

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

4 Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.13 and 4.17 as follows:

6 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)  
7 Sec. 4.13. Acts repealed on December 31, 2002. The  
8 following Acts are repealed on December 31, 2002:

9 ~~The Environmental Health Practitioner Licensing Act.~~

10 The Naprapathic Practice Act.

11 The Wholesale Drug Distribution Licensing Act.

12 The Dietetic and Nutrition Services Practice Act.

13 The Funeral Directors and Embalmers Licensing Code.

14 The Professional Counselor and Clinical Professional  
15 Counselor Licensing Act.

16 (Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

17 (5 ILCS 80/4.17)

18 Sec. 4.17. Acts repealed on January 1, 2007. The  
19 following are repealed on January 1, 2007:

20 The Boiler and Pressure Vessel Repairer Regulation  
21 Act.

22 The Structural Pest Control Act.

23 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB,  
24 VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois  
25 Insurance Code.

26 The Clinical Psychologist Licensing Act.

27 The Illinois Optometric Practice Act of 1987.

28 The Medical Practice Act of 1987.

29 The Environmental Health Practitioner Licensing Act.

30 (Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96;

1 89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

2 Section 10. The Environmental Health Practitioner  
3 Licensing Act is amended by changing Sections 15, 26, and 35  
4 and adding Section 56 as follows:

5 (225 ILCS 37/15)

6 (Section scheduled to be repealed on December 31, 2002)

7 Sec. 15. License requirement.

8 (a) It shall be unlawful for any person to engage in an  
9 environmental health practice after the effective date of  
10 this amendatory Act of the 92nd General Assembly December-31,  
11 1996 unless the person is licensed by the Department as an  
12 environmental health practitioner or an environmental health  
13 practitioner in training.

14 (b) It is the responsibility of an individual required  
15 to be licensed under this Act to obtain a license and to pay  
16 all necessary fees, not the responsibility of his or her  
17 employer.

18 (Source: P.A. 89-61, eff. 6-30-95.)

19 (225 ILCS 37/26)

20 (Section scheduled to be repealed on December 31, 2002)

21 Sec. 26. Examination for registration as an  
22 environmental health practitioner.

23 (a) Beginning June 30, 1995, only persons who meet the  
24 educational and experience requirements of Section 20 and who  
25 pass the examination authorized by the Department shall be  
26 licensed. ~~Persons-who-meet-the--requirements--of--subsection~~  
27 ~~{b}-of-Section-21-or-Section-30-shall-not-be-required-to-take~~  
28 ~~and-pass-the-examination.~~

29 (b) Applicants for examination as environmental health  
30 practitioners shall be required to pay, either to the  
31 Department or the designated testing service, a fee covering

1 the cost of providing the examination.

2 (Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97;  
3 90-14, eff. 7-1-97.)

4 (225 ILCS 37/35)

5 (Section scheduled to be repealed on December 31, 2002)

6 Sec. 35. Grounds for discipline.

7 (a) The Department may refuse to issue or renew, or may  
8 revoke, suspend, place on probation, reprimand, or take other  
9 disciplinary action with regard to any license issued under  
10 this Act as the Department may consider proper, including the  
11 imposition of fines not to exceed \$5,000 for each violation,  
12 for any one or combination of the following causes:

13 (1) Material misstatement in furnishing information  
14 to the Department.

15 (2) Violations of this Act or its rules.

16 (3) Conviction of any felony under the laws of any  
17 U.S. jurisdiction, any misdemeanor an essential element  
18 of which is dishonesty, or any crime that is directly  
19 related to the practice of the profession.

20 (4) Making any misrepresentation for the purpose of  
21 obtaining a certificate of registration.

22 (5) Professional incompetence.

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

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

27 (8) Engaging in dishonorable, unethical, or  
28 unprofessional conduct of a character likely to deceive,  
29 defraud, or harm the public as defined by rules of the  
30 Department.

31 (9) Habitual or excessive use or addiction to  
32 alcohol, narcotics, stimulants, or any other chemical  
33 agent or drug that results in an environmental health

1 practitioner's inability to practice with reasonable  
2 judgment, skill, or safety.

3 (10) Discipline by another U.S. jurisdiction or  
4 foreign nation, if at least one of the grounds for a  
5 discipline is the same or substantially equivalent to  
6 those set forth in this Act.

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

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

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

18 (14) Failure to comply with rules promulgated by  
19 the Illinois Department of Public Health or other State  
20 agencies related to the practice of environmental health.

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

29 (16) Solicitation of professional services by using  
30 false or misleading advertising.

31 (17) A finding that the license has been applied  
32 for or obtained by fraudulent means.

33 (18) Practicing or attempting to practice under a  
34 name other than the full name as shown on the license or

1 any other legally authorized name.

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

5 (b) The Department may refuse to issue or may suspend  
6 the license of any person who fails to (i) file a return,  
7 (ii) pay the tax, penalty, or interest shown in a filed  
8 return; or (iii) pay any final assessment of the tax,  
9 penalty, or interest as required by any tax Act administered  
10 by the Illinois Department of Revenue until the requirements  
11 of the tax Act are satisfied.

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

22 (d) In enforcing this Section, the Department, upon a  
23 showing of a possible violation, may compel any person  
24 licensed to practice under this Act or who has applied for  
25 licensure or certification pursuant to this Act to submit to  
26 a mental or physical examination, or both, as required by and  
27 at the expense of the Department. The examining physicians  
28 shall be those specifically designated by the Department. The  
29 Department may order the examining physician to present  
30 testimony concerning this mental or physical examination of  
31 the licensee or applicant. No information shall be excluded  
32 by reason of any common law or statutory privilege relating  
33 to communications between the licensee or applicant and the  
34 examining physician. The person to be examined may have, at

1 his or her own expense, another physician of his or her  
2 choice present during all aspects of the examination. Failure  
3 of any person to submit to a mental or physical examination,  
4 when directed, shall be grounds for suspension of a license  
5 until the person submits to the examination if the Department  
6 finds, after notice and hearing, that the refusal to submit  
7 to the examination was without reasonable cause.

8 If the Department finds an individual unable to practice  
9 because of the reasons set forth in this Section, the  
10 Department may require that individual to submit to care,  
11 counseling, or treatment by physicians approved or designated  
12 by the Department, as a condition, term, or restriction for  
13 continued, reinstated, or renewed licensure to practice or,  
14 in lieu of care, counseling, or treatment, the Department may  
15 file a complaint to immediately suspend, revoke, or otherwise  
16 discipline the license of the individual.

17 Any person whose license was granted, continued,  
18 reinstated, renewed, disciplined, or supervised subject to  
19 such terms, conditions, or restrictions and who fails to  
20 comply with such terms, conditions, or restrictions shall be  
21 referred to the Director for a determination as to whether  
22 the person shall have his or her license suspended  
23 immediately, pending a hearing by the Department.

24 In instances in which the Director immediately suspends a  
25 person's license under this Section, a hearing on that  
26 person's license must be convened by the Department within 15  
27 days after the suspension and completed without appreciable  
28 delay. The Department shall have the authority to review the  
29 subject person's record of treatment and counseling regarding  
30 the impairment, to the extent permitted by applicable federal  
31 statutes and regulations safeguarding the confidentiality of  
32 medical records.

33 A person licensed under this Act and affected under this  
34 Section shall be afforded an opportunity to demonstrate to

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

4 (Source: P.A. 89-61, eff. 6-30-95.)

5 (225 ILCS 37/56 new)

6 Sec. 56. Unlicensed practice; violation; civil penalty.

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

17 (b) The Department has the authority and power to  
18 investigate any and all unlicensed activity.

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.