

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.28 and by adding Section 4.38 as follows:

(5 ILCS 80/4.28)

Sec. 4.28. Acts repealed on January 1, 2018. The following Acts are repealed on January 1, 2018:

The Illinois Petroleum Education and Marketing Act.

The Podiatric Medical Practice Act of 1987.

The Acupuncture Practice Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Nurse Practice Act.

~~The Clinical Social Work and Social Work Practice Act.~~

The Pharmacy Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Marriage and Family Therapy Licensing Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Physician Assistant Practice Act of 1987.

(Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff. 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09.)

(5 ILCS 80/4.38 new)

Sec. 4.38. Act repealed on January 1, 2028. The following Act is repealed on January 1, 2028:

The Clinical Social Work and Social Work Practice Act.

Section 10. The Clinical Social Work and Social Work Practice Act is amended by changing Sections 3, 4, 5, 6, 7, 7.3, 9, 9A, 10, 14, 19, 21, 22, 25, 26, 28, 30, 31, 32, 33, 34, 36, and 37 as follows:

(225 ILCS 20/3) (from Ch. 111, par. 6353)

(Section scheduled to be repealed on January 1, 2018)

Sec. 3. Definitions. ~~÷~~ The following words and phrases shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

1. "Department" means the Department of Financial and Professional Regulation.

2. "Secretary" means the Secretary of Financial and Professional Regulation.

3. "Board" means the Social Work Examining and Disciplinary

Board.

4. "Licensed Clinical Social Worker" means a person who holds a license authorizing the independent practice of clinical social work in Illinois under the auspices of an employer or in private practice or under the auspices of public human service agencies or private, nonprofit agencies providing publicly sponsored human services.

5. "Clinical social work practice" means the providing of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders in individuals, families, and groups based on knowledge and theory of professionally accepted theoretical structures, including, but not limited to, psychosocial development, behavior, psychopathology, unconscious motivation, interpersonal relationships, and environmental stress.

6. "Treatment procedures" means among other things, individual, marital, family, and group psychotherapy.

7. "Independent practice of clinical social work" means the application of clinical social work knowledge and skills by a licensed clinical social worker who regulates and is responsible for her or his own practice or treatment procedures.

8. "License" means that which is required to practice clinical social work or social work under this Act, the qualifications for which include specific education, acceptable experience, and examination requirements.

9. "Licensed social worker" means a person who holds a license authorizing the practice of social work, which includes social services to individuals, groups or communities in any one or more of the fields of social casework, social group work, community organization for social welfare, social work research, social welfare administration, or social work education. Social casework and social group work may also include clinical social work, as long as it is not conducted in an independent practice, as defined in this Section.

10. "Address of record" means the address recorded by the Department in the applicant's application file or the licensee's ~~application file~~ or license file, as maintained by the Department's licensure maintenance unit.

11. "Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

(Source: P.A. 95-687, eff. 10-23-07; revised 9-14-16.)

(225 ILCS 20/4) (from Ch. 111, par. 6354)

(Section scheduled to be repealed on January 1, 2018)

Sec. 4. Exemptions.

1. This Act does not prohibit any of the following:

(a) Any persons legally regulated in this State under any other Act from engaging in the practice for which they are authorized, provided that they do not represent

themselves by any title as being engaged in the independent practice of clinical social work or the practice of social work as defined in this Act, nor does it prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services, provided such practitioners do not represent themselves as or use the title of clinical social worker or social worker.

(b) The practice of clinical social work or social work by a person who is employed by the United States government or by the State of Illinois, unit of local government or any bureau, division or agency thereof while in the discharge of the employee's official duties. Clinical social workers employed by the State of Illinois who are hired after the effective date of this amendatory Act of 1994 shall hold a valid license, issued by this State, to practice as a licensed clinical social worker, except for those clinical social workers employed by the State who obtain their positions through promotion.

(c) The practice of a student pursuing a course of professional education under the terms of this Act, if these activities and services constitute a part of such student's supervised course of study.

(d) A person from practicing social work if the person is obtaining experience for licensure as a clinical social worker or social worker, provided the person is designated by a title that clearly indicates training status.

2. Nothing in this Act shall be construed to apply to any person engaged in the bona fide practice of religious ministry provided the person does not hold himself out to be engaged in the independent practice of clinical social work or the practice of social work.

3. This Act does not prohibit a person serving as a volunteer so long as no representation prohibited by this Section is made.

4. Nothing contained in this Act shall be construed to require any hospital, clinic, home health agency, hospice, or other entity which provides health care to employ or to contract with a licensed clinical social worker to provide clinical social work practice or the independent practice of clinical social work as described in this Act.

(Source: P.A. 88-620, eff. 1-1-95.)

(225 ILCS 20/5) (from Ch. 111, par. 6355)

(Section scheduled to be repealed on January 1, 2018)

Sec. 5. Powers and duties of the Department. Subject to the provisions of this Act, the ~~1. The~~ Department shall exercise the following functions, powers, and duties: ~~as set forth in this Act.~~

(1) Conduct or authorize examinations to ascertain the qualifications and fitness of candidates for a license to engage in the independent practice of clinical social work and in the practice of social work, pass upon the

qualifications of applicants for licenses, and issue licenses to those who are found to be fit and qualified.

(2) Adopt rules required for the administration and enforcement of this Act.

(3) Adopt rules for determining approved undergraduate and graduate social work degree programs and prepare and maintain a list of colleges and universities offering such approved programs whose graduates, if they otherwise meet the requirements of this Act, are eligible to apply for a license.

(4) Prescribe forms to be issued for the administration and enforcement of this Act consistent with and reflecting the requirements of this Act and rules adopted pursuant to this Act.

(5) Conduct investigations related to possible violations of this Act.

(6) Maintain rosters of the names and addresses of all persons who hold valid licenses under this Act. These rosters shall be available upon written request and payment of the required fee.

~~2. The Secretary shall promulgate rules consistent with the provisions of this Act for the administration and enforcement thereof, and shall prescribe forms which shall be issued in connection therewith.~~

~~3. In addition, the Department shall:~~

~~(a) Establish rules for determining approved~~

~~undergraduate and graduate social work degree programs and prepare and maintain a list of colleges and universities offering such approved programs whose graduates, if they otherwise meet the requirements of this Act, are eligible to apply for a license.~~

~~(b) Promulgate rules, as may be necessary, for the administration of this Act and to carry out the purposes thereof and to adopt the methods of examination of candidates and to provide for the issuance of licenses authorizing the independent practice of clinical social work or the practice of social work.~~

~~(c) Authorize examinations to ascertain the qualifications and fitness of candidates for a license to engage in the independent practice of clinical social work and in the practice of social work, and to determine the qualifications of applicants from other jurisdictions to practice in Illinois.~~

~~(d) Maintain rosters of the names and addresses of all licensees, and all persons whose licenses have been suspended, revoked or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.~~

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/6) (from Ch. 111, par. 6356)

(Section scheduled to be repealed on January 1, 2018)

Sec. 6. Social Work Examining and Disciplinary Board.

(1) The Secretary shall appoint a Social Work Examining and Disciplinary Board consisting of 9 persons who shall serve in an advisory capacity to the Secretary. The Board shall be composed of 6 licensed clinical social workers, one of whom shall be employed in a public human service agency, one of whom shall be a certified school social worker, one of whom shall be employed in the private not-for-profit sector and one of whom shall serve as the chairperson, 2 ~~two~~ licensed social workers, and one member of the public who is not regulated under this Act or a similar Act and who clearly represents consumer interests.

(2) Members shall serve for a term of 4 years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Board member whom he or she shall succeed. Upon the expiration of this term of office, a Board member shall continue to serve until a successor is ~~and until their successors are~~ appointed and qualified. No member shall serve more than 2 consecutive 4-year terms ~~be reappointed if such reappointment would cause that person's service on the Board to be longer than 8 successive years. Appointments to fill vacancies for the unexpired portion of a vacated term shall be made in the same manner as original appointments.~~

(3) The membership of the Board should represent racial and cultural diversity and reasonably reflect representation from different geographic areas of Illinois.

(4) The Secretary may terminate the appointment of any member for cause.

(5) The Secretary may ~~shall~~ consider the recommendation of the Board on all matters and questions relating to this Act, such as: (i) matters relating to continuing education, including the number of hours necessary for license renewal, waivers for those unable to meet such requirements, and acceptable course content and (ii) rules for administration of this Act.

(6) (Blank). ~~The Board is charged with the duties and responsibilities of recommending to the Secretary the adoption of all policies, procedures and rules which may be required or deemed advisable in order to perform the duties and functions conferred on the Board, the Secretary and the Department to carry out the provisions of this Act.~~

(7) (Blank). ~~The Board may make recommendations on all matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements and acceptable course content. Such recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.~~

(8) The Board shall annually elect one of its members as chairperson and one as vice chairperson.

(9) Members of the Board shall be reimbursed for all ~~authorized~~ legitimate, ~~and~~ necessary, and authorized expenses

~~incurred in attending the meetings of the Board.~~

(10) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(11) Members of the Board shall have no liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board.

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/7) (from Ch. 111, par. 6357)

(Section scheduled to be repealed on January 1, 2018)

Sec. 7. Applications for original license. Applications for original licenses shall be made to the Department on forms or electronically as prescribed by the Department and accompanied by the required fee which shall not be refundable. All applications shall contain such information which, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a licensed clinical social worker or as a licensed social worker.

A license to practice shall not be denied an applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability to practice with reasonable judgment, skill, or safety impairment.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/7.3)

(Section scheduled to be repealed on January 1, 2018)

Sec. 7.3. Address of record; email address of record ~~Change of address.~~ All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) An applicant or licensee must inform the Department of any change of address of record or email address of record within 14 days after, ~~and such change changes must be made~~ either through the Department's website or by contacting the Department's licensure maintenance unit.

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/9) (from Ch. 111, par. 6359)

(Section scheduled to be repealed on January 1, 2018)

Sec. 9. Qualifications ~~Qualification~~ for clinical social worker license. A person shall be qualified to be licensed as a

clinical social worker if that person ~~and the Department shall issue a license authorizing the independent practice of clinical social work to an applicant who:~~

(1) has applied in writing on the prescribed form;

(2) is of good moral character. In determining good moral character, the Department may take into consideration whether the applicant was engaged in conduct or actions that would constitute grounds for discipline under this Act;

(3) (a) ~~(A)~~ demonstrates to the satisfaction of the Department that subsequent to securing a master's degree in social work from an approved program the applicant has successfully completed at least 3,000 hours of satisfactory, supervised clinical professional experience; or

(b) ~~(B)~~ demonstrates to the satisfaction of the Department that such applicant has received a doctor's degree in social work from an approved program and has completed at least 2,000 hours of satisfactory, supervised clinical professional experience subsequent to the degree;

(4) has passed the examination for the practice of clinical social work as authorized by the Department; and

(5) has paid the required fees.

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/9A) (from Ch. 111, par. 6359A)

(Section scheduled to be repealed on January 1, 2018)

Sec. 9A. Qualifications for license as licensed social worker. A person shall be qualified to be licensed as a licensed social worker if that person ~~and the Department shall issue a license authorizing the practice of social work to an applicant who:~~

(1) has applied in writing on the prescribed form;

(2) is of good moral character, as defined in subsection (2) of Section 9;

(3) (a) has a degree from a graduate program of social work approved by the Department; or

(b) has a degree in social work from an undergraduate program approved by the Department and has successfully completed at least 3 years of supervised professional experience subsequent to obtaining the degree as established by rule. If no supervision by a licensed social worker or a licensed clinical social worker is available, then supervised professional experience may include supervision by other appropriate disciplines as defined by rule;

(4) has passed the examination for the practice of social work as a licensed social worker as authorized by the Department; and

(5) has paid the required fees.

(Source: P.A. 90-150, eff. 12-30-97; 91-357, eff. 7-29-99.)

(225 ILCS 20/10) (from Ch. 111, par. 6360)

(Section scheduled to be repealed on January 1, 2018)

Sec. 10. License restrictions and limitations.

(a) No person shall, without a currently valid license as a social worker issued by the Department: (i) in any manner hold himself or herself out to the public as a social worker under this Act; (ii) use the title "social worker" or "licensed social worker"; or (iii) offer to render ~~to individuals, corporations, or the public~~ social work services if the words "social work" or "licensed social worker" are used to describe the person offering to render or rendering the services or to describe the services rendered or offered to be rendered.

(b) No person shall, without a currently valid license as a clinical social worker issued by the Department: (i) in any manner hold himself or herself out to the public as a clinical social worker or licensed clinical social worker under this Act; (ii) use the title "clinical social worker" or "licensed clinical social worker"; or (iii) offer to render ~~to individuals, corporations, or the public~~ clinical social work services if the words "licensed clinical social worker" or "clinical social work" are used to describe the person to render or rendering the services or to describe the services rendered or offered to be rendered.

(c) Licensed social workers may not engage in independent practice of clinical social work without a clinical social worker license. In independent practice, a licensed social

worker shall practice at all times under the order, control, and full professional responsibility of a licensed clinical social worker, a licensed clinical psychologist, a licensed clinical professional counselor, a licensed marriage and family therapist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code.

(d) No business organization ~~association, partnership, or professional limited liability company~~ shall provide, attempt to provide, or offer to provide social work or clinical social work services unless every member, shareholder, partner, director, officer, holder of any other ownership interest, and employee ~~of the association, partnership, or professional limited liability company who practices social work or clinical social work or~~ who renders social work or clinical social work services holds a currently valid ~~current~~ license issued under this Act. No business shall be created that (1) has a stated purpose that includes social work or clinical social work, or (2) provides ~~provide, attempts attempt~~ to provide, or offers ~~offer~~ to provide social work or clinical social work services unless it is organized under the Professional Service Corporation Act, the Medical Corporation Act, or the Professional Limited Liability Company Act.

(e) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity

as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

(f) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for any hospital licensed under the Hospital Licensing Act or any hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act and any hospital authorized under the University of Illinois Hospital Act.

(Source: P.A. 99-227, eff. 8-3-15.)

(225 ILCS 20/14) (from Ch. 111, par. 6364)

(Section scheduled to be repealed on January 1, 2018)

Sec. 14. Checks or order to Department dishonored because of insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically

terminate the license ~~or certificate~~ or deny the application, without hearing. If, after termination or denial, the person seeks a license ~~or certificate~~, he or she shall apply to the Department for restoration or issuance of the license ~~or certificate~~ and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license ~~or certificate~~ to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/19) (from Ch. 111, par. 6369)

(Section scheduled to be repealed on January 1, 2018)

Sec. 19. Grounds for disciplinary action.

(1) The Department may refuse to issue or ~~refuse to~~ renew a license, or may suspend, ~~or~~ revoke ~~any license~~, ~~or may~~ place on probation, ~~censure~~, reprimand, or take any other disciplinary or non-disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed \$10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following grounds ~~reasons~~:

(a) material misstatements ~~of fact~~ in furnishing information to the Department or to any other State agency

or in furnishing information to any insurance company with respect to a claim on behalf of a licensee or a patient;

(b) violations or negligent or intentional disregard of this Act, or any of the rules promulgated hereunder;

(c) conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, ~~to any crime that is a felony~~ under the laws of any jurisdiction of the United States ~~or any state or territory thereof or that is (i) a felony or (ii) a misdemeanor, of which~~ an essential element of which is dishonesty, or ~~any crime~~ that is directly related to the practice of the clinical social work or social work professions;

(d) fraud or ~~making any~~ misrepresentation in applying for or procuring a license under ~~for the purpose of obtaining licenses, or violating any provision of this Act or in connection with applying for renewal or restoration of a license under this Act~~ ~~any of the rules promulgated hereunder;~~

(e) professional incompetence;

(f) gross negligence in practice under this Act ~~malpractice;~~

(g) aiding or assisting another person in violating any provision of this Act or its ~~any~~ rules;

(h) failing to provide information within 60 ~~30~~ days in response to a written request made by the Department;

(i) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public as defined by the rules of the Department, or violating the rules of professional conduct adopted by the ~~Board and published by the~~ Department;

(j) habitual or excessive use or abuse of drugs defined in law as controlled substances, of addiction to alcohol, narcotics, stimulants, or of any other substances ~~chemical agent or drug~~ that results in the ~~a clinical social worker's or social worker's~~ inability to practice with reasonable judgment, skill, or safety;

(k) adverse action taken ~~discipline~~ by another state or jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(l) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for any professional service not actually rendered. Nothing in this paragraph (l) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include

provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (l) shall be construed to require an employment arrangement to receive professional fees for services rendered;

(m) a finding by the Department ~~Board~~ that the licensee, after having the license placed on probationary status, has violated the terms of probation or failed to comply with such terms;

(n) abandonment, without cause, of a client;

(o) willfully making or wilfully filing false records or reports relating to a licensee's practice, including, but not limited to, false records filed with Federal or State agencies or departments;

(p) willfully ~~wilfully~~ failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(q) being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be ~~or failed to take reasonable steps to prevent a child from being~~ an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(r) physical illness, mental illness, or any other

impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor skills that results in the inability to practice the profession with reasonable judgment, skill or safety;

(s) solicitation of professional services by using false or misleading advertising; ~~or~~

(t) violation of the Health Care Worker Self-Referral Act; ~~or~~

(u) willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act; or

(v) being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(2) (Blank).

(3) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, will result in an automatic suspension of his license. Such suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the

patient, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume professional practice.

(4) The Department shall ~~may~~ refuse to issue or renew or may suspend the license of a person who (i) fails to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied or (ii) has failed to pay any court-ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services.

(5) (a) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel a person licensed to practice under this Act, or who has applied for licensure under ~~or certification pursuant to~~ this Act, to submit to a mental or physical examination, or both, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

(b) The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed

to practice medicine in all of its branches, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing. ~~physicians shall be those specifically designated by the Board.~~

(c) The Board or the Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this mental or physical examination of the licensee or applicant. No information, report, record, or other documents in any way related to the examination shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation.

(d) The person to be examined may have, at his or her own

expense, another physician of his or her choice present during all aspects of the examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

(e) Failure of any person to submit to a mental or physical examination without reasonable cause, when ordered ~~directed~~, shall result in an automatic ~~be grounds for~~ suspension of his or her ~~a~~ license until the person submits to the examination ~~if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.~~

(f) If the Department or Board finds a person unable to practice because of the reasons set forth in this Section, the Department or Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the

Department Board.

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

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

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

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

(225 ILCS 20/21) (from Ch. 111, par. 6371)

(Section scheduled to be repealed on January 1, 2018)

Sec. 21. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person holding or claiming to hold a

license under this Act.

(b) The Department shall, before disciplining an applicant or licensee ~~refusing to issue or renew a license~~, at least 30 days prior to the date set for the hearing: (i) ~~notify, in writing, the accused applicant for, or holder of, a license of the nature of the charges made and the time and place for the that a hearing on the charges,~~ (ii) ~~will be held on the date designated. The Department shall direct him or her the applicant or licensee to file a written answer to the charges Board under oath within 20 days after the service of the notice,~~ and (iii) inform the applicant or licensee that failure to file an answer will result in a default being entered ~~taken~~ against the applicant or licensee ~~and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper.~~

(c) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by ~~certified or registered~~ mail to the applicant or licensee at his or her ~~the applicant's last~~ address of record or email address of record. ~~In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed~~

~~proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.~~

(d) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board or hearing officer may continue the a hearing from time to time.

(e) In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/22) (from Ch. 111, par. 6372)

(Section scheduled to be repealed on January 1, 2018)

Sec. 22. Record of proceedings ~~Proceedings~~; transcript.
The Department, at its expense, shall preserve a record of all

proceedings at the formal hearing of any case ~~involving the refusal to issue or to renew a license~~. The notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be in the record of such proceeding. The Department shall furnish a copy ~~transcript~~ of the record to any person upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

(Source: P.A. 90-150, eff. 12-30-97; 91-239, eff. 1-1-00.)

(225 ILCS 20/25) (from Ch. 111, par. 6375)

(Section scheduled to be repealed on January 1, 2018)

Sec. 25. Findings and recommendations. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the licensee violated this act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order or refusal or for the granting of the license. ~~If the Secretary disagrees with the recommendations of~~

~~the Board, the Secretary may issue an order in contravention thereof. The Secretary shall provide a written report to the Board on any disagreement and shall specify the reasons for said action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.~~

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/26) (from Ch. 111, par. 6376)

(Section scheduled to be repealed on January 1, 2018)

Sec. 26. Hearing; motion for rehearing ~~Board — Rehearing.~~

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing ~~In any case involving~~

~~the refusal to issue or to renew a license or to discipline a licensee,~~ a copy of the hearing officer's or Board's report shall be served upon the applicant or licensee by the Department, either personally or ~~by registered or certified mail or~~ as provided in this Act for the service of the notice of hearing. Within 20 calendar days after ~~such~~ service, the applicant or licensee may present to the Department a motion in writing for a rehearing which shall specify the particular grounds for rehearing therefor. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for a rehearing is filed, then upon the expiration of the time specified for filing such a motion, or ~~if a motion for rehearing is denied,~~ ~~then~~ upon ~~such~~ denial of a motion for rehearing, the Secretary may enter an order in accordance with recommendations of the Board or hearing officer, ~~except as provided in Section 25 of this Act.~~ If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a

rehearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/28) (from Ch. 111, par. 6378)

(Section scheduled to be repealed on January 1, 2018)

Sec. 28. Appointment of a hearing officer. Notwithstanding any other provision of this Act, the ~~The Secretary has shall~~ have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license ~~or permit~~ or to discipline a licensee. ~~The Secretary shall promptly notify the Board of any such appointment.~~ The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law and recommendations to the Board and to the Secretary. ~~Upon receipt of the report, the Board shall have at least 60 days after receipt of the report to review it and present its findings of fact, conclusions of law and recommendation to the Secretary. If the Board does not present its report within the 60 days period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the~~

~~request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. If the Secretary disagrees with the recommendation of the Board or of the hearing officer, the Secretary may issue an order in contravention of the Board's report. The Secretary shall~~

~~promptly provide a written explanation to the Board on any such disagreement, and shall specify the reasons for such action in the final order.~~

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/30) (from Ch. 111, par. 6380)

(Section scheduled to be repealed on January 1, 2018)

Sec. 30. Restoration ~~of suspended or revoked license~~. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore the license ~~it~~ to the licensee upon the written recommendation of the Board unless after an investigation and hearing the Board or Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring his or her license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license or permit until such time as provided for in the Civil Administrative Code of Illinois.

(Source: P.A. 85-967.)

(225 ILCS 20/31) (from Ch. 111, par. 6381)

(Section scheduled to be repealed on January 1, 2018)

Sec. 31. Surrender of license. Upon the revocation or ~~and~~ suspension of any ~~the~~ license, the licensee shall immediately

surrender his or her license to the Department. If the licensee fails to do so, the Department shall have the right to seize the license.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/32) (from Ch. 111, par. 6382)

(Section scheduled to be repealed on January 1, 2018)

Sec. 32. ~~Summary Temporary~~ suspension of a license. The Secretary may summarily temporarily suspend the license of a licensed clinical social worker or licensed social worker without a hearing simultaneously with the institution of proceedings for a hearing provided for in ~~Section 21 of~~ this Act if the Secretary finds that conclusive evidence in his or her possession indicates ~~indicating~~ that a licensee's continuation in practice would constitute an imminent danger to the public. In the event the Secretary summarily temporarily suspends such license without a hearing, a hearing by the Board or Department shall be held within 30 calendar days after the ~~such~~ suspension has occurred.

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/33) (from Ch. 111, par. 6383)

(Section scheduled to be repealed on January 1, 2018)

Sec. 33. Administrative review ~~review~~ ~~venue~~.

1. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative

Review Law and all rules adopted pursuant thereto. The term "Administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

2. Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

(Source: P.A. 85-967.)

(225 ILCS 20/34) (from Ch. 111, par. 6384)

(Section scheduled to be repealed on January 1, 2018)

Sec. 34. Certification of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court or to otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff ~~there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department.~~ Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 87-1031.)

(225 ILCS 20/36) (from Ch. 111, par. 6386)

(Section scheduled to be repealed on January 1, 2018)

Sec. 36. Illinois Administrative Procedure Act. The

Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. ~~For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.~~

(Source: P.A. 88-45.)

(225 ILCS 20/37) (from Ch. 111, par. 6387)

(Section scheduled to be repealed on January 1, 2018)

Sec. 37. Home rule ~~Public policy~~. It is declared to be the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

(Source: P.A. 85-967.)

Public Act 100-0414

SB0768 Enrolled

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(225 ILCS 20/27 rep.)

Section 15. The Clinical Social Work and Social Work Practice Act is amended by repealing Section 27.

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

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