

AN ACT concerning regulation.

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

Section 5. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 15-75 and by adding Section 15-72 as follows:

(225 ILCS 41/15-72 new)

Sec. 15-72. Applicant convictions.

(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of funeral directing and embalming.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of funeral directing and embalming:

- (1) first degree murder;
- (2) second degree murder;
- (3) drug induced homicide;
- (4) unlawful restraint;
- (5) aggravated unlawful restraint;

- (6) forcible detention;
- (7) involuntary servitude;
- (8) involuntary sexual servitude of a minor;
- (9) predatory criminal sexual assault of a child;
- (10) aggravated criminal sexual assault;
- (11) criminal sexual assault;
- (12) criminal sexual abuse;
- (13) aggravated kidnaping;
- (14) aggravated robbery;
- (15) armed robbery;
- (16) kidnapping;
- (17) aggravated battery;
- (18) aggravated vehicular hijacking;
- (19) terrorism;
- (20) causing a catastrophe;
- (21) possession of a deadly substance;
- (22) making a terrorist threat;
- (23) material support for terrorism;
- (24) hindering prosecution of terrorism;
- (25) armed violence;
- (26) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;
- (27) any felony requiring registration as a sex offender under the Sex Offender Registration Act;
- (28) attempt of any the offenses set forth in

paragraphs (1) through (27) of this subsection (b); and  
(29) convictions set forth in Section 15-75 of this  
Code.

(c) The Department shall consider any mitigating factors  
contained in the record, when determining the appropriate  
disciplinary sanction, if any, to be imposed. In addition to  
those set forth in Section 2105-130 of the Department of  
Professional Regulation Law of the Civil Administrative Code of  
Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or  
offenses for which the person was previously convicted will  
have on his or her fitness or ability to perform one or  
more such duties and responsibilities;

(2) the time that has elapsed since the criminal  
conviction; and

(3) the age of the person at the time of the criminal  
conviction.

(d) The Department shall issue an annual report by January  
31, 2018 and by January 31 each year thereafter, indicating the  
following:

(1) the number of initial applicants for a license  
under this Code within the preceding calendar year;

(2) the number of initial applicants for a license  
under this Code within the previous calendar year who had a  
conviction;

(3) the number of applicants with a conviction who were

granted a license under this Code within the previous year;

(4) the number of applicants denied a license under this Code within the preceding calendar year; and

(5) the number of applicants denied a license under this Code solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in paragraph (2) of subsection (b) of Section 15-175 of this Code.

(225 ILCS 41/15-75)

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

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

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

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

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

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

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

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

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

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

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

(2) For licenses, conviction ~~Conviction~~ by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding

sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession and, for initial applicants, convictions set forth in Section 15-72 of this Act.

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

(4) Directly or indirectly paying or causing to be paid any sum of money or other valuable consideration for the securing of business or for obtaining authority to dispose of any deceased human body.

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

(6) (Blank).

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

(8) Refusing, without cause, to surrender the custody

of a deceased human body upon the proper request of the person or persons lawfully entitled to the custody of the body.

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

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

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

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

(13) (Blank).

(14) Embalming or attempting to embalm a deceased human body without express prior authorization of the person responsible for making the funeral arrangements for the body. This does not apply to cases where embalming is directed by local authorities who have jurisdiction or when embalming is required by State or local law. A licensee may

embalm without express prior authorization if a good faith effort has been made to contact family members and has been unsuccessful and the licensee has no reason to believe the family opposes embalming.

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

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

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

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

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

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



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

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

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

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

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

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

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

(28) (Blank).

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

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

(31) Discipline by another state, District of Columbia, territory, foreign nation, or governmental agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(32) (Blank).

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

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

(35) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor

skill which results in a licensee's inability to practice under this Code with reasonable judgment, skill, or safety.

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

(A) When reasonably possible, a funeral director licensee or funeral director and embalmer licensee or anyone acting on his or her behalf shall obtain the express authorization of the person or persons responsible for making the funeral arrangements for a deceased human body prior to removing a body from the place of death or any place it may be or embalming or attempting to embalm a deceased human body, unless required by State or local law. This requirement is waived whenever removal or embalming is directed by local authorities who have jurisdiction. If the responsibility for the handling of the remains lawfully falls under the jurisdiction of a public agency, then the regulations of the public agency shall prevail.

(B) A licensee shall clearly mark the price of any casket offered for sale or the price of any service using the casket on or in the casket if the casket is displayed at the funeral establishment. If the casket is displayed at any other location, regardless of whether the licensee is in control of that location, the casket shall be clearly marked and the registrant

shall use books, catalogues, brochures, or other printed display aids to show the price of each casket or service.

(C) At the time funeral arrangements are made and prior to rendering the funeral services, a licensee shall furnish a written statement of services to be retained by the person or persons making the funeral arrangements, signed by both parties, that shall contain: (i) the name, address and telephone number of the funeral establishment and the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) a clear disclosure that the person or persons making the arrangement may decline and receive credit for any service or merchandise not desired and not required by law or the funeral director or the funeral director and embalmer; (iv) the supplemental items of service and merchandise requested and the price of each item; (v) the terms or method of payment agreed upon; and (vi) a statement as to any monetary advances made by the registrant on behalf of the family. The licensee shall maintain a copy of the written statement of services in its permanent records. All written statements of services are subject to inspection by the Department.

(D) In all instances where the place of final

disposition of a deceased human body or the cremated remains of a deceased human body is a cemetery, the licensed funeral director and embalmer, or licensed funeral director, who has been engaged to provide funeral or embalming services shall remain at the cemetery and personally witness the placement of the human remains in their designated grave or the sealing of the above ground depository, crypt, or urn. The licensed funeral director or licensed funeral director and embalmer may designate a licensed funeral director and embalmer intern or representative of the funeral home to be his or her witness to the placement of the remains. If the cemetery authority, cemetery manager, or any other agent of the cemetery takes any action that prevents compliance with this paragraph (D), then the funeral director and embalmer or funeral director shall provide written notice to the Department within 5 business days after failing to comply. If the Department receives this notice, then the Department shall not take any disciplinary action against the funeral director and embalmer or funeral director for a violation of this paragraph (D) unless the Department finds that the cemetery authority, manager, or any other agent of the cemetery did not prevent the funeral director and embalmer or funeral director from complying with this paragraph (D) as claimed in the

written notice.

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

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

(38) (Blank).

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

(40) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substance which results in the inability to practice

with reasonable judgment, skill, or safety.

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

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

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

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

(e) Nothing in this Section shall be construed or enforced to give a funeral director and embalmer, or his or her designees, authority over the operation of a cemetery or over cemetery employees. Nothing in this Section shall be construed

or enforced to impose duties or penalties on cemeteries with respect to the timing of the placement of human remains in their designated grave or the sealing of the above ground depository, crypt, or urn due to patron safety, the allocation of cemetery staffing, liability insurance, a collective bargaining agreement, or other such reasons.

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

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

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



Illinois.

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

(j) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension may end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(k) In enforcing this Code, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Code, or who has applied for licensure under this Code, to submit to a mental or physical examination,

or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physician shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

A person holding a license under this Code or who has applied for a license under this Code who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling, or treatment as required by the Department shall not be

considered discipline of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

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 within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual'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.

An individual licensed under this Code and affected under this Section shall be afforded an opportunity to demonstrate to the Department 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. 97-1130, eff. 8-28-12; 98-756, eff. 7-16-14.)

Section 10. The Illinois Roofing Industry Licensing Act is amended by changing Section 9.1 and by adding Section 7.1 as

follows:

(225 ILCS 335/7.1 new)

Sec. 7.1. Applicant convictions.

(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of roofing contracting.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of roofing contracting:

- (1) first degree murder;
- (2) second degree murder;
- (3) drug induced homicide;
- (4) unlawful restraint;
- (5) aggravated unlawful restraint;
- (6) forcible detention;
- (7) involuntary servitude;
- (8) involuntary sexual servitude of a minor;
- (9) predatory criminal sexual assault of a child;
- (10) aggravated criminal sexual assault;
- (11) criminal sexual assault;
- (12) criminal sexual abuse;

(13) aggravated kidnaping;

(14) aggravated robbery;

(15) armed robbery;

(16) kidnapping;

(17) aggravated battery;

(18) aggravated vehicular hijacking;

(19) home invasion;

(20) terrorism;

(21) causing a catastrophe;

(22) possession of a deadly substance;

(23) making a terrorist threat;

(24) material support for terrorism;

(25) hindering prosecution of terrorism;

(26) armed violence;

(27) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;

(28) any felony requiring registration as a sex offender under the Sex Offender Registration Act;

(29) attempt of any the offenses set forth in paragraphs (1) through (28) of this subsection (b); and

(30) convictions set forth in subsection (e) of Section 5 or Section 9.8 of this Act.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to

those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(2) the time that has elapsed since the criminal conviction; and

(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2018 and by January 31 each year thereafter, indicating the following:

(1) the number of initial applicants for a license under this Act within the preceding calendar year;

(2) the number of initial applicants for a license under this Act within the previous calendar year who had a conviction;

(3) the number of applicants with a conviction who were granted a license under this Act within the previous year;

(4) the number of applicants denied a license under this Act within the preceding calendar year; and

(5) the number of applicants denied a license under this Act solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in Section 9.1 of this Act.

(225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9.1. Grounds for disciplinary action.

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

(a) violation of this Act or its rules;

(b) for licensees, conviction or plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty or that is directly related to the practice of the profession and, for initial applicants, convictions set forth in Section 7.1 of this Act;

(c) fraud or any misrepresentation in applying for or

procuring a license under this Act, or in connection with applying for renewal of a license under this Act;

(d) professional incompetence or gross negligence in the practice of roofing contracting, prima facie evidence of which may be a conviction or judgment in any court of competent jurisdiction against an applicant or licensee relating to the practice of roofing contracting or the construction of a roof or repair thereof that results in leakage within 90 days after the completion of such work;

(e) (blank);

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

(g) failing, within 60 days, to provide information in response to a written request made by the Department;

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

(i) habitual or excessive use or abuse of controlled substances, as defined by the Illinois Controlled Substances Act, alcohol, or any other substance that results in the inability to practice with reasonable judgment, skill, or safety;

(j) discipline by another state, unit of government, or government agency, the District of Columbia, a territory, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those



set forth in this Section;

(k) 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 services not actually or personally rendered;

(l) a finding by the Department that the licensee, after having his or her license disciplined, has violated the terms of the discipline;

(m) a finding by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of roofing contracting, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(n) willfully making or filing false records or reports in the practice of roofing contracting, including, but not limited to, false records filed with the State agencies or departments;

(o) practicing, attempting to practice, or advertising under a name other than the full name as shown on the license or any other legally authorized name;

(p) gross and willful overcharging for professional services including filing false statements for collection of fees or monies for which services are not rendered;

(q) (blank);

(r) (blank);

(s) failure to continue to meet the requirements of this Act shall be deemed a violation;

(t) physical or mental disability, including deterioration through the aging process or loss of abilities and skills that result in an inability to practice the profession with reasonable judgment, skill, or safety;

(u) material misstatement in furnishing information to the Department or to any other State agency;

(v) (blank);

(w) advertising in any manner that is false, misleading, or deceptive;

(x) taking undue advantage of a customer, which results in the perpetration of a fraud;

(y) performing any act or practice that is a violation of the Consumer Fraud and Deceptive Business Practices Act;

(z) engaging in the practice of roofing contracting, as defined in this Act, with a suspended, revoked, or cancelled license;

(aa) treating any person differently to the person's detriment because of race, color, creed, gender, age, religion, or national origin;

(bb) knowingly making any false statement, oral, written, or otherwise, of a character likely to influence, persuade, or induce others in the course of obtaining or

performing roofing contracting services;

(cc) violation of any final administrative action of the Secretary;

(dd) allowing the use of his or her roofing license by an unlicensed roofing contractor for the purposes of providing roofing or waterproofing services; or

(ee) (blank);

(ff) cheating or attempting to subvert a licensing examination administered under this Act; or

(gg) use of a license to permit or enable an unlicensed person to provide roofing contractor services.

(2) The determination by a circuit court that a license holder is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, an order by the court so finding and discharging the patient, and the recommendation of the Board to the Director that the license holder be allowed to resume his or her practice.

(3) The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the

Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.

(4) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed under this Act or any individual who has applied for licensure to submit to a mental or physical examination or evaluation, or both, which may include a substance abuse or sexual offender evaluation, at the expense of the Department. 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 and evaluation. 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 chiropractic physicians, 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 and evaluation 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.

(5) The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication 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 evaluation and 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. The individual 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.

(6) Failure of any individual to submit to mental or physical examination or evaluation, or both, when directed,

shall result in an automatic suspension without hearing until such time as the individual submits to the examination. If the Department finds a licensee unable to practice because of the reasons set forth in this Section, the Department shall require the licensee to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed licensure.

(7) When the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the licensee'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.

(8) Licensees affected under this Section shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

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

Illinois.

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

The changes to this Act made by this amendatory Act of 1997 apply only to disciplinary actions relating to events occurring after the effective date of this amendatory Act of 1997.

(Source: P.A. 99-469, eff. 8-26-15.)

Section 15. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 is amended by changing Section 4-7 and by adding Section 4-6.1 as follows:

(225 ILCS 410/4-6.1 new)

Sec. 4-6.1. Applicant convictions.

(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of

judgment or by sentencing of an initial applicant, the Department may only deny a license based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of cosmetology, esthetics, hair braiding, nail technology, and barbering.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the practice of cosmetology, esthetics, hair braiding, nail technology, and barbering:

- (1) first degree murder;
- (2) second degree murder;
- (3) drug induced homicide;
- (4) unlawful restraint;
- (5) aggravated unlawful restraint;
- (6) forcible detention;
- (7) involuntary servitude;
- (8) involuntary sexual servitude of a minor;
- (9) predatory criminal sexual assault of a child;
- (10) aggravated criminal sexual assault;
- (11) criminal sexual assault;
- (12) criminal sexual abuse;
- (13) aggravated kidnaping;
- (14) aggravated robbery;
- (15) armed robbery;
- (16) kidnapping;
- (17) aggravated battery;



(18) aggravated vehicular hijacking;

(19) terrorism;

(20) causing a catastrophe;

(21) possession of a deadly substance;

(22) making a terrorist threat;

(23) material support for terrorism;

(24) hindering prosecution of terrorism;

(25) armed violence;

(26) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;

(27) any felony requiring registration as a sex offender under the Sex Offender Registration Act;

(28) attempt of any the offenses set forth in paragraphs (1) through (27) of this subsection (b); and

(29) convictions set forth in Section 4-20 of this Act.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(2) the time that has elapsed since the criminal conviction; and

(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2018 and by January 31 each year thereafter, indicating the following:

(1) the number of initial applicants for a license under this Act within the preceding calendar year;

(2) the number of initial applicants for a license under this Act within the previous calendar year who had a conviction;

(3) the number of applicants with a conviction who were granted a license under this Act within the previous year;

(4) the number of applicants denied a license under this Act within the preceding calendar year; and

(5) the number of applicants denied a license under this Act solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in paragraph (2) of subsection (1) of Section 4-7 of this Act.

(225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4-7. Refusal, suspension and revocation of licenses; causes; disciplinary action.

(1) The Department may refuse to issue or renew, and may suspend, revoke, place on probation, reprimand or take any other disciplinary or non-disciplinary action as the Department may deem proper, including civil penalties not to exceed \$500 for each violation, with regard to any license for any one, or any combination, of the following causes:

a. For licensees, conviction ~~Conviction~~ of any crime under the laws of the United States or any state or territory thereof that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) a crime which is related to the practice of the profession and, for initial applicants, convictions set forth in Section 4-6.1 of this Act.

b. Conviction of any of the violations listed in Section 4-20.

c. Material misstatement in furnishing information to the Department.

d. Making any misrepresentation for the purpose of obtaining a license or violating any provision of this Act or its rules.

e. Aiding or assisting another person in violating any provision of this Act or its rules.

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

g. Discipline by another state, territory, or country if at least one of the grounds for the discipline is the same as or substantially equivalent to those set forth in this Act.

h. Practice in the barber, nail technology, esthetics, hair braiding, or cosmetology profession, or an attempt to practice in those professions, by fraudulent misrepresentation.

i. Gross malpractice or gross incompetency.

j. Continued practice by a person knowingly having an infectious or contagious disease.

k. Solicitation of professional services by using false or misleading advertising.

l. A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

m. 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 services not actually or personally rendered.

n. Violating any of the provisions of this Act or rules adopted pursuant to this Act.

o. Willfully making or filing false records or reports relating to a licensee's practice, including but not limited to, false records filed with State agencies or

departments.

p. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill or safety.

q. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public as may be defined by rules of the Department, or violating the rules of professional conduct which may be adopted by the Department.

r. Permitting any person to use for any unlawful or fraudulent purpose one's diploma or license or certificate of registration as a cosmetologist, nail technician, esthetician, hair braider, or barber or cosmetology, nail technology, esthetics, hair braiding, or barber teacher or salon or shop or cosmetology clinic teacher.

s. 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 an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

t. Operating a salon or shop without a valid registration.

u. Failure to complete required continuing education hours.

(2) In rendering an order, the Secretary shall take into consideration the facts and circumstances involving the type of acts or omissions in paragraph (1) of this Section including, but not limited to:

(a) the extent to which public confidence in the cosmetology, nail technology, esthetics, hair braiding, or barbering profession was, might have been, or may be, injured;

(b) the degree of trust and dependence among the involved parties;

(c) the character and degree of harm which did result or might have resulted;

(d) the intent or mental state of the licensee at the time of the acts or omissions.

(3) The Department may reissue the license or registration upon certification by the Board that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order or has been sufficiently rehabilitated to warrant the public trust.

(4) The Department shall refuse to issue or renew or suspend without hearing the license or certificate of registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax

Act are satisfied as determined by the Department of Revenue.

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

(6) All fines imposed under this Section 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.

(Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

Section 99. Effective date. This Act takes effect January 1, 2017.