



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3109

Introduced 2/15/2018, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15
20 ILCS 2105/2105-140 new
225 ILCS 85/6

from Ch. 111, par. 4126

Amends the Department of Professional Regulation Law. Provides that the Department of Financial and Professional regulation shall allow an applicant to provide his or her individual taxpayer identification number as an alternative to provide a social security number when applying for a license. Provides that no applicant shall be denied a license solely based on his or her immigration status or citizenship status. Further amends the Pharmacy Practice Act. Removes language providing that an applicant for a registered pharmacist license shall provide evidence indicating that he or she is a United States citizen or legally admitted alien.

LRB100 20224 XWW 35509 b

1 AN ACT concerning State government.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 and by adding Section 2105-140 as
7 follows:

8 (20 ILCS 2105/2105-15)

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

10 (a) The Department has, subject to the provisions of the
11 Civil Administrative Code of Illinois, the following powers and
12 duties:

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

17 (2) To prescribe rules and regulations for a fair and
18 wholly impartial method of examination of candidates to
19 exercise the respective professions, trades, or
20 occupations.

21 (3) To pass upon the qualifications of applicants for
22 licenses, certificates, and authorities, whether by
23 examination, by reciprocity, or by endorsement.

1 (4) To prescribe rules and regulations defining, for
2 the respective professions, trades, and occupations, what
3 shall constitute a school, college, or university, or
4 department of a university, or other institution,
5 reputable and in good standing, and to determine the
6 reputability and good standing of a school, college, or
7 university, or department of a university, or other
8 institution, reputable and in good standing, by reference
9 to a compliance with those rules and regulations; provided,
10 that no school, college, or university, or department of a
11 university, or other institution that refuses admittance
12 to applicants solely on account of race, color, creed, sex,
13 sexual orientation, or national origin shall be considered
14 reputable and in good standing.

15 (5) To conduct hearings on proceedings to revoke,
16 suspend, refuse to renew, place on probationary status, or
17 take other disciplinary action as authorized in any
18 licensing Act administered by the Department with regard to
19 licenses, certificates, or authorities of persons
20 exercising the respective professions, trades, or
21 occupations and to revoke, suspend, refuse to renew, place
22 on probationary status, or take other disciplinary action
23 as authorized in any licensing Act administered by the
24 Department with regard to those licenses, certificates, or
25 authorities.

26 The Department shall issue a monthly disciplinary

1 report.

2 The Department shall deny any license or renewal
3 authorized by the Civil Administrative Code of Illinois to
4 any person who has defaulted on an educational loan or
5 scholarship provided by or guaranteed by the Illinois
6 Student Assistance Commission or any governmental agency
7 of this State; however, the Department may issue a license
8 or renewal if the aforementioned persons have established a
9 satisfactory repayment record as determined by the
10 Illinois Student Assistance Commission or other
11 appropriate governmental agency of this State.
12 Additionally, beginning June 1, 1996, any license issued by
13 the Department may be suspended or revoked if the
14 Department, after the opportunity for a hearing under the
15 appropriate licensing Act, finds that the licensee has
16 failed to make satisfactory repayment to the Illinois
17 Student Assistance Commission for a delinquent or
18 defaulted loan. For the purposes of this Section,
19 "satisfactory repayment record" shall be defined by rule.

20 The Department shall refuse to issue or renew a license
21 to, or shall suspend or revoke a license of, any person
22 who, after receiving notice, fails to comply with a
23 subpoena or warrant relating to a paternity or child
24 support proceeding. However, the Department may issue a
25 license or renewal upon compliance with the subpoena or
26 warrant.

1 The Department, without further process or hearings,
2 shall revoke, suspend, or deny any license or renewal
3 authorized by the Civil Administrative Code of Illinois to
4 a person who is certified by the Department of Healthcare
5 and Family Services (formerly Illinois Department of
6 Public Aid) as being more than 30 days delinquent in
7 complying with a child support order or who is certified by
8 a court as being in violation of the Non-Support Punishment
9 Act for more than 60 days. The Department may, however,
10 issue a license or renewal if the person has established a
11 satisfactory repayment record as determined by the
12 Department of Healthcare and Family Services (formerly
13 Illinois Department of Public Aid) or if the person is
14 determined by the court to be in compliance with the
15 Non-Support Punishment Act. The Department may implement
16 this paragraph as added by Public Act 89-6 through the use
17 of emergency rules in accordance with Section 5-45 of the
18 Illinois Administrative Procedure Act. For purposes of the
19 Illinois Administrative Procedure Act, the adoption of
20 rules to implement this paragraph shall be considered an
21 emergency and necessary for the public interest, safety,
22 and welfare.

23 (6) To transfer jurisdiction of any realty under the
24 control of the Department to any other department of the
25 State Government or to acquire or accept federal lands when
26 the transfer, acquisition, or acceptance is advantageous

1 to the State and is approved in writing by the Governor.

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

4 (8) To exchange with the Department of Healthcare and
5 Family Services information that may be necessary for the
6 enforcement of child support orders entered pursuant to the
7 Illinois Public Aid Code, the Illinois Marriage and
8 Dissolution of Marriage Act, the Non-Support of Spouse and
9 Children Act, the Non-Support Punishment Act, the Revised
10 Uniform Reciprocal Enforcement of Support Act, the Uniform
11 Interstate Family Support Act, the Illinois Parentage Act
12 of 1984, or the Illinois Parentage Act of 2015.
13 Notwithstanding any provisions in this Code to the
14 contrary, the Department of Professional Regulation shall
15 not be liable under any federal or State law to any person
16 for any disclosure of information to the Department of
17 Healthcare and Family Services (formerly Illinois
18 Department of Public Aid) under this paragraph (8) or for
19 any other action taken in good faith to comply with the
20 requirements of this paragraph (8).

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

1 Reporting Act. The Department shall adopt any rules
2 necessary to implement this paragraph.

3 (9) To perform other duties prescribed by law.

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

16 (b) (Blank).

17 (c) For the purpose of securing and preparing evidence, and
18 for the purchase of controlled substances, professional
19 services, and equipment necessary for enforcement activities,
20 recoupment of investigative costs, and other activities
21 directed at suppressing the misuse and abuse of controlled
22 substances, including those activities set forth in Sections
23 504 and 508 of the Illinois Controlled Substances Act, the
24 Director and agents appointed and authorized by the Director
25 may expend sums from the Professional Regulation Evidence Fund
26 that the Director deems necessary from the amounts appropriated

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

21 (d) Whenever the Department is authorized or required by
22 law to consider some aspect of criminal history record
23 information for the purpose of carrying out its statutory
24 powers and responsibilities, then, upon request and payment of
25 fees in conformance with the requirements of Section 2605-400
26 of the Department of State Police Law (20 ILCS 2605/2605-400),

1 the Department of State Police is authorized to furnish,
2 pursuant to positive identification, the information contained
3 in State files that is necessary to fulfill the request.

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

7 (f) Notwithstanding anything that may appear in any
8 individual licensing statute or administrative rule, the
9 Department shall allow an applicant to provide his or her
10 individual taxpayer identification number as an alternative to
11 provide a social security number when applying for a license.

12 ~~(Blank).~~

13 (g) Notwithstanding anything that may appear in any
14 individual licensing statute or administrative rule, the
15 Department shall deny any license application or renewal
16 authorized under any licensing Act administered by the
17 Department to any person who has failed to file a return, or to
18 pay the tax, penalty, or interest shown in a filed return, or
19 to pay any final assessment of tax, penalty, or interest, as
20 required by any tax Act administered by the Illinois Department
21 of Revenue, until such time as the requirement of any such tax
22 Act are satisfied; however, the Department may issue a license
23 or renewal if the person has established a satisfactory
24 repayment record as determined by the Illinois Department of
25 Revenue. For the purpose of this Section, "satisfactory
26 repayment record" shall be defined by rule.

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

20 Any suspension imposed under this subsection (g) shall be
21 terminated by the Department upon notification from the
22 Illinois Department of Revenue that the licensee is in
23 compliance with all tax laws administered by the Illinois
24 Department of Revenue.

25 The Department may promulgate rules for the administration
26 of this subsection (g).

1 (h) The Department may grant the title "Retired", to be
2 used immediately adjacent to the title of a profession
3 regulated by the Department, to eligible retirees. For
4 individuals licensed under the Medical Practice Act of 1987,
5 the title "Retired" may be used in the profile required by the
6 Patients' Right to Know Act. The use of the title "Retired"
7 shall not constitute representation of current licensure,
8 registration, or certification. Any person without an active
9 license, registration, or certificate in a profession that
10 requires licensure, registration, or certification shall not
11 be permitted to practice that profession.

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

24 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,
25 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;
26 100-262, eff. 8-22-17; revised 10-4-17.)

1 (20 ILCS 2105/2105-140 new)

2 Sec. 2105-140. Licensure; immigration status. No person
3 shall be denied a license, certificate, limited permit, or
4 registration issued by the Department solely based on his or
5 her citizenship status or immigration status. The General
6 Assembly finds and declares that this Section is a State law
7 within the meaning of subsection (d) of Section 1621 of Title 8
8 of the United States Code. Nothing in this Section shall affect
9 the requirements to obtain a professional license that are not
10 directly related to citizenship status or immigration status.
11 Nothing in this Section shall be construed to grant eligibility
12 for obtaining any public benefit other than a professional
13 license issued by the Department.

14 Section 10. The Pharmacy Practice Act is amended by
15 changing Section 6 as follows:

16 (225 ILCS 85/6) (from Ch. 111, par. 4126)

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

18 Sec. 6. Each individual seeking licensure as a registered
19 pharmacist shall make application to the Department and shall
20 provide evidence of the following:

21 1. (blank); that he or she is a United States citizen
22 or legally admitted alien;

23 2. that he or she has not engaged in conduct or

1 behavior determined to be grounds for discipline under this
2 Act;

3 3. that he or she is a graduate of a first professional
4 degree program in pharmacy of a university recognized and
5 approved by the Department;

6 4. that he or she has successfully completed a program
7 of practice experience under the direct supervision of a
8 pharmacist in a pharmacy in this State, or in any other
9 State; and

10 5. that he or she has passed an examination recommended
11 by the Board of Pharmacy and authorized by the Department.

12 The Department shall issue a license as a registered
13 pharmacist to any applicant who has qualified as aforesaid and
14 who has filed the required applications and paid the required
15 fees in connection therewith; and such registrant shall have
16 the authority to practice the profession of pharmacy in this
17 State.

18 (Source: P.A. 95-689, eff. 10-29-07.)