



Sen. Scott M. Bennett

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10200HB4769sam002

LRB102 23872 AMQ 38261 a

1 AMENDMENT TO HOUSE BILL 4769

2 AMENDMENT NO. _____. Amend House Bill 4769 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Behavior Analyst Licensing Act.

6 Section 5. Public policy. The practice of applied behavior
7 analysis is declared to affect public health, safety, and
8 welfare and is subject to regulation in the public interest.
9 The purpose of this Act is to protect and benefit the public by
10 setting standards of qualifications, education, training, and
11 experience for those who seek to obtain a license and hold the
12 title of "licensed behavior analyst" or "licensed assistant
13 behavior analyst", to promote high standards of professional
14 performance for those licensed to practice applied behavior
15 analysis in the State, to protect the public from the practice
16 of applied behavior analysis by unqualified persons and from

1 unprofessional conduct by persons licensed to practice applied
2 behavior analysis.

3 Section 10. Definitions. As used in this Act:

4 "Address of record" means the designated address recorded
5 by the Department in the applicant's or licensee's application
6 file or license file as maintained by the Department's
7 licensure maintenance unit.

8 "Board" means the Advisory Board of Behavior Analysts
9 appointed by the Secretary.

10 "Department" means the Department of Financial and
11 Professional Regulation.

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

16 "Licensed assistant behavior analyst" means an individual
17 licensed under this Act to engage in practice as an assistant
18 behavior analyst under the supervision of a licensed behavior
19 analyst or a licensed clinical psychologist.

20 "Licensed behavior analyst" means an individual licensed
21 to engage in the practice of applied behavior analysis.

22 "Practice of applied behavior analysis" means the design,
23 implementation, and evaluation of instructional and
24 environmental modifications to produce socially significant
25 improvement in human behavior. "Practice of applied behavior

1 analysis" includes the empirical identification of functional
2 relations between behavior environmental factors, known as
3 functional assessment and analysis. Applied behavior analysis
4 interventions are based on scientific research and the direct
5 observation and measurement of behavior and environment.
6 Applied behavior analysis interventions utilize contextual
7 factors, motivating operations, antecedent stimuli, positive
8 reinforcement, and other procedures to help individuals
9 develop new behaviors, increase or decrease existing
10 behaviors, and elicit behaviors under specific environmental
11 conditions. The practice of applied behavior analysis excludes
12 the diagnosis of disorders, psychological testing,
13 psychotherapy, cognitive therapy, psychoanalysis, and
14 counseling.

15 "Secretary" means the Secretary of Financial and
16 Professional Regulation.

17 Section 15. Address of record; email address of record.

18 All applicants and licensees shall:

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

23 (2) inform the Department of any change of address of
24 record or email address of record within 14 days after the
25 change, either through the Department's website or by

1 contacting the Department's licensure maintenance unit.

2 Section 20. License required; exemptions.

3 (a) Beginning 30 months after the effective date of this
4 Act, an individual shall not engage in the practice of applied
5 behavior analysis unless licensed under this Act or covered by
6 an exemption under subsection (c).

7 (a-5) An individual licensed under this Act as an
8 assistant behavior analyst shall not engage in the practice of
9 applied behavior analysis unless supervised by a licensed
10 clinical psychologist or licensed behavior analyst.

11 (b) Beginning 30 months after the effective date of this
12 Act, an individual shall not use the title "licensed behavior
13 analyst", "L.B.A.", "licensed assistant behavior analyst",
14 "L.A.B.A.", or similar words or letters indicating the
15 individual is licensed as a behavior analyst or assistant
16 behavior analyst unless the individual is actually licensed
17 under this Act.

18 (c) This Act does not prohibit any of the following:

19 (1) Self-care by a patient or uncompensated care by a
20 friend or family member who does not represent or hold
21 oneself out to be a behavior analyst or assistant behavior
22 analyst.

23 (2) An individual from implementing a behavior
24 analytic treatment plan under the extended authority,
25 direction, and supervision of a licensed behavior analyst

1 or licensed assistant behavior analyst.

2 (3) A clinical psychologist, social worker,
3 psychiatric nurse, professional counselor, clinical
4 professional counselor, clinical social worker, or
5 marriage and family therapist from performing or
6 advertising activities that are considered to be the
7 practice of applied behavior analysis under this Act if
8 the activities are consistent with the laws of this State,
9 the individual's training, and any code of ethics of the
10 individual's respective professions, so long as the
11 individual does not use the titles provided in subsection
12 (b).

13 (4) An individual from performing activities that are
14 considered to be the practice of applied behavior analysis
15 under this Act if the activities are with nonhumans,
16 including applied animal behaviorists and animal trainers.
17 The individual may use the title "behavior analyst" but
18 shall not represent oneself as a licensed behavior analyst
19 or licensed assistant behavior analyst unless the
20 individual holds a license issued by the State.

21 (5) An individual who provides general applied
22 behavior analysis services to organizations, so long as
23 the services are for the benefit of the organizations and
24 do not involve direct services to individuals. The
25 individual may use the title "behavior analyst" but may
26 not represent oneself as a licensed behavior analyst or

1 licensed assistant behavior analyst unless the individual
2 holds a license issued by the State.

3 (6) An individual who is a matriculated student at a
4 nationally accredited university approved in rules or a
5 postdoctoral fellow from performing activities that are
6 considered to be the practice of applied behavior analysis
7 under this Act if the activities are part of a defined
8 program of study, course, practicum, internship, or
9 postdoctoral fellowship, provided that the applied
10 behavior analysis activities are directly supervised by a
11 licensed behavior analyst under this Act or a licensed
12 clinical psychologist.

13 (7) An individual who is not licensed under this Act
14 from pursuing field experience in the practice of behavior
15 analysis if the experience is supervised by a licensed
16 behavior analyst or a licensed psychologist.

17 (8) An individual with a learning behavior specialist
18 or school support personnel endorsement from the State
19 Board of Education, the school district in which the
20 school is located, or a special education joint agreement
21 serving the school district in which the school is located
22 from delivering behavior analytic services in a school
23 setting when employed by that school as long as those
24 services are defined in the scope of practice for that
25 endorsement and that person is not in any manner held out
26 to the public as a licensed behavior analyst or licensed

1 assistant behavior analyst.

2 (9) A qualified intellectual disabilities
3 professional, meeting the minimum federal education
4 requirements outlined in 42 CFR 483.430, who is performing
5 the duties required for individuals with intellectual or
6 developmental disabilities in programs and facilities
7 regulated by the federal Centers for Medicare and Medicaid
8 Services, the Department of Human Services, or the
9 Department of Public Health, so long as the individual
10 does not use the titles provided in subsection (b).

11 (10) A service provider, designated by the Department
12 of Human Services, from providing behavior intervention
13 and treatment, so long as the individual does not use the
14 titles provided in subsection (b).

15 (d) This Act does not apply to an individual who, on the
16 effective date of this Act, is engaging in the practice of
17 applied behavior analysis under the medical assistance program
18 under the Illinois Public Aid Code while that individual is
19 seeking the education, training, and experience necessary to
20 obtain a license under this Act.

21 Section 25. Applications for original license. An
22 application for original licenses shall be made to the
23 Department on forms or electronically as prescribed by the
24 Department and accompanied by the required fee, which shall
25 not be refundable. All applications shall contain information

1 which, in the judgment of the Department, will enable the
2 Department to pass on the qualifications of the applicant for
3 a license as a licensed behavior analyst or licensed assistant
4 behavior analyst.

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

11 For a person who has successfully completed a graduate
12 degree from a nationally or regionally accredited university
13 approved by the Department and can demonstrate that the person
14 has passed a competency examination authorized by the
15 Department before the effective date of this Act, the
16 Department may allow that person to apply for licensure under
17 the terms of this Act beginning 20 months after the effective
18 date of this Act.

19 An applicant has 3 years after the date of application to
20 complete the application process. If the process has not been
21 completed in 3 years, the application shall be denied, the fee
22 shall be forfeited, and the applicant must reapply and meet
23 the requirements in effect at the time of reapplication.

24 Section 30. Qualifications for behavior analyst license.

25 (a) A person qualifies to be licensed as a behavior

1 analyst if that person:

2 (1) has applied in writing or electronically on forms
3 prescribed by the Department;

4 (2) is a graduate of a graduate level program in the
5 field of behavior analysis from a regionally accredited
6 university approved by the Department;

7 (3) has completed at least 500 hours of supervision of
8 behavior analysis, as defined by rule;

9 (4) has qualified for and passed the examination for
10 the practice of behavior analysis as authorized by the
11 Department; and

12 (5) has paid the required fees.

13 (b) The Department may issue a license to a certified
14 behavior analyst seeking licensure as a licensed behavior
15 analyst who (i) does not have the supervised experience as
16 described in paragraph (3) of subsection (a), (ii) applies for
17 licensure before July 1, 2028, and (iii) has completed all of
18 the following:

19 (1) has applied in writing or electronically on forms
20 prescribed by the Department;

21 (2) is a graduate of a graduate level program in the
22 field of behavior analysis from a regionally accredited
23 university approved by the Department;

24 (3) submits evidence of certification by an
25 appropriate national certifying body as determined by rule
26 of the Department;

1 (4) has passed the examination for the practice of
2 behavior analysis as authorized by the Department; and

3 (5) has paid the required fees.

4 (c) An applicant has 3 years after the date of application
5 to complete the application process. If the process has not
6 been completed in 3 years, the application shall be denied,
7 the fee shall be forfeited, and the applicant must reapply and
8 meet the requirements in effect at the time of reapplication.

9 (d) Each applicant for licensure as an behavior analyst
10 shall have his or her fingerprints submitted to the Illinois
11 State Police in an electronic format that complies with the
12 form and manner for requesting and furnishing criminal history
13 record information as prescribed by the Illinois State Police.
14 These fingerprints shall be transmitted through a live scan
15 fingerprint vendor licensed by the Department. These
16 fingerprints shall be checked against the Illinois State
17 Police and Federal Bureau of Investigation criminal history
18 record databases now and hereafter filed, including, but not
19 limited to, civil, criminal, and latent fingerprint databases.
20 The Illinois State Police shall charge a fee for conducting
21 the criminal history records check, which shall be deposited
22 in the State Police Services Fund and shall not exceed the
23 actual cost of the records check. The Illinois State Police
24 shall furnish, pursuant to positive identification, records of
25 Illinois convictions as prescribed under the Illinois Uniform
26 Conviction Information Act and shall forward the national

1 criminal history record information to the Department.

2 Section 35. Qualifications for assistant behavior analyst
3 license.

4 (a) A person qualifies to be licensed as an assistant
5 behavior analyst if that person:

6 (1) has applied in writing or electronically on forms
7 prescribed by the Department;

8 (2) is a graduate of a bachelor's level program in the
9 field of behavior analysis from a regionally accredited
10 university approved by the Department;

11 (3) has met the supervised work experience;

12 (4) has qualified for and passed the examination for
13 the practice of behavior analysis as a licensed assistant
14 behavior analyst as authorized by the Department; and

15 (5) has paid the required fees.

16 (b) The Department may issue a license to a certified
17 assistant behavior analyst seeking licensure as a licensed
18 assistant behavior analyst who (i) does not have the
19 supervised experience as described in paragraph (3) of
20 subsection (a), (ii) applies for licensure before July 1,
21 2028, and (iii) has completed all of the following:

22 (1) has applied in writing or electronically on forms
23 prescribed by the Department;

24 (2) is a graduate of a bachelors level program in the
25 field of behavior analysis;

1 (3) submits evidence of certification by an
2 appropriate national certifying body as determined by rule
3 of the Department;

4 (4) has passed the examination for the practice of
5 behavior analysis as authorized by the Department; and

6 (5) has paid the required fees.

7 (c) An applicant has 3 years after the date of application
8 to complete the application process. If the process has not
9 been completed in 3 years, the application shall be denied,
10 the fee shall be forfeited, and the applicant must reapply and
11 meet the requirements in effect at the time of reapplication.

12 (d) Each applicant for licensure as an assistant behavior
13 analyst shall have his or her fingerprints submitted to the
14 Illinois State Police in an electronic format that complies
15 with the form and manner for requesting and furnishing
16 criminal history record information as prescribed by the
17 Illinois State Police. These fingerprints shall be transmitted
18 through a live scan fingerprint vendor licensed by the
19 Department. These fingerprints shall be checked against the
20 Illinois State Police and Federal Bureau of Investigation
21 criminal history record databases now and hereafter filed,
22 including, but not limited to, civil, criminal, and latent
23 fingerprint databases. The Illinois State Police shall charge
24 a fee for conducting the criminal history records check, which
25 shall be deposited in the State Police Services Fund and shall
26 not exceed the actual cost of the records check. The Illinois

1 State Police shall furnish, pursuant to positive
2 identification, records of Illinois convictions as prescribed
3 under the Illinois Uniform Conviction Information Act and
4 shall forward the national criminal history record information
5 to the Department.

6 Section 40. Endorsement. The Department may issue a
7 license as a behavior analyst or assistant behavior analyst to
8 an applicant licensed under the laws of another jurisdiction
9 if the requirements for licensure in that jurisdiction are, on
10 the date of licensure, substantially equivalent to the
11 requirements of this Act or to any person who, at the time of
12 the applicant's licensure, possessed individual qualifications
13 that were substantially equivalent to the requirements then in
14 force in this State.

15 An applicant under this Section shall pay the required
16 fees. An individual applying for licensure as a licensed
17 behavior analyst or assistant behavior analyst who has been
18 licensed in another United States jurisdiction for 10
19 consecutive years without discipline is not required to submit
20 proof of completion of the education, professional experience,
21 and supervision required in Section 25 or 30.

22 An individual with 10 consecutive years of experience must
23 submit certified verification of licensure from the
24 jurisdiction in which the applicant practiced and must comply
25 with all other licensing requirements and pay all required

1 fees. If the accuracy of any submitted documentation or the
2 relevance or sufficiency of the coursework or experience is
3 questioned by the Department or the Board because of a lack of
4 information, discrepancies or conflicts in information given,
5 or a need for clarification, the applicant seeking licensure
6 may be required to provide additional information.

7 An applicant has 3 years after the date of application to
8 complete the application process. If the process has not been
9 completed in 3 years, the application shall be denied, the fee
10 shall be forfeited, and the applicant must reapply and meet
11 the requirements in effect at the time of reapplication.

12 Section 45. Behavior Analyst Licensing and Disciplinary
13 Board.

14 (a) The Secretary shall appoint a Behavior Analyst
15 Licensing and Disciplinary Board consisting of 5 persons who
16 shall serve in an advisory capacity to the Secretary. The
17 Board shall consist of the following 5 members appointed by
18 the Secretary: one licensed behavior analyst holding a
19 doctoral degree, one licensed assistant behavior analyst, 2
20 licensed behavior analysts, and one public member. The Board
21 shall serve in an advisory capacity.

22 (b) Members shall be appointed for and shall serve 4-year
23 terms and until the members' successors are appointed and
24 qualified. No member of the Board shall serve more than 2 full
25 consecutive 4-year terms. Any appointment to fill a vacancy

1 shall be for the unexpired portion of the term.

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

5 (d) The Secretary may remove any member of the Board for
6 any cause that, in the opinion of the Secretary, reasonably
7 justifies termination.

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

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

16 (g) Members of the Board shall be reimbursed for all
17 legitimate, necessary, and authorized expenses.

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

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

25 Section 50. Licenses; renewal; restoration; person in

1 military service; inactive status.

2 (a) The expiration date and renewal period for each
3 license issued under this Act shall be set by rule. The
4 licensee may renew a license during the 60-day period
5 preceding its expiration date by paying the required fee and
6 by demonstrating compliance with any continuing education
7 requirements. The Department shall adopt rules establishing
8 minimum requirements for continuing education and means for
9 verification of the completion of the continuing education
10 requirements. The Department may, by rule, specify
11 circumstances under which the continuing education
12 requirements may be waived.

13 (b) Any person who has permitted a license to expire or who
14 has a license on inactive status may have it restored by
15 submitting an application to the Department and filing proof
16 of fitness, as defined by rule, to have the license restored,
17 including, if appropriate, evidence that is satisfactory to
18 the Department certifying the active practice of behavior
19 analysis in another jurisdiction and by paying the required
20 fee.

21 (c) If the person has not maintained an active practice in
22 another jurisdiction that is satisfactory to the Department,
23 the Department shall determine the person's fitness to resume
24 active status. The Department may also require the person to
25 complete a specific period of evaluated behavior analysis
26 experience and may require successful completion of an

1 examination.

2 (d) Notwithstanding any other provision of this Act, any
3 person whose license expired while on active duty with the
4 armed forces of the United States, while called into service
5 or training with the State Militia or in training or education
6 under the supervision of the United States government prior to
7 induction into the military service may have the person's
8 license restored without paying any renewal fees if, within 2
9 years after the honorable termination of that service,
10 training, or education, except under conditions other than
11 honorable, the Department is furnished with satisfactory
12 evidence that the person has been so engaged and that the
13 service, training, or education has been so terminated.

14 (e) The Department shall indicate on each license the
15 academic degree of the licensee.

16 Section 55. Suspension of license for failure to pay
17 restitution. The Department, without further process or
18 hearing, shall suspend the license or other authorization to
19 practice of any person issued under this Act who has been
20 certified by court order as not having paid restitution to a
21 person under Section 8A-3.5 of the Illinois Public Aid Code or
22 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
23 the Criminal Code of 2012. A person whose license or other
24 authorization to practice is suspended under this Section is
25 prohibited from practicing until the restitution is made in

1 full.

2 Section 60. Grounds for disciplinary action.

3 (a) The Department may refuse to issue or renew a license,
4 or may suspend, revoke, place on probation, reprimand, or take
5 any other disciplinary or nondisciplinary action deemed
6 appropriate by the Department, including the imposition of
7 fines not to exceed \$10,000 for each violation, with regard to
8 any license issued under the provisions of this Act for any one
9 or a combination of the following grounds:

10 (1) material misstatements in furnishing information
11 to the Department or to any other State agency or in
12 furnishing information to any insurance company with
13 respect to a claim on behalf of a licensee or a patient;

14 (2) violations or negligent or intentional disregard
15 of this Act or its rules;

16 (3) conviction of or entry of a plea of guilty or nolo
17 contendere, finding of guilt, jury verdict, or entry of
18 judgment or sentencing, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation, under
21 the laws of any jurisdiction of the United States that is
22 (i) a felony or (ii) a misdemeanor, an essential element
23 of which is dishonesty, or that is directly related to the
24 practice of behavior analysis;

25 (4) fraud or misrepresentation in applying for or

1 procuring a license under this Act or in connection with
2 applying for renewal or restoration of a license under
3 this Act;

4 (5) professional incompetence;

5 (6) gross negligence in practice under this Act;

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

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

10 (9) engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public as defined by the rules of the
13 Department or violating the rules of professional conduct
14 adopted by the Department;

15 (10) habitual or excessive use or abuse of drugs
16 defined in law as controlled substances, of alcohol, or of
17 any other substances that results in the inability to
18 practice with reasonable judgment, skill, or safety;

19 (11) adverse action taken by another state or
20 jurisdiction if at least one of the grounds for the
21 discipline is the same or substantially equivalent to
22 those set forth in this Section;

23 (12) directly or indirectly giving to or receiving
24 from any person, firm, corporation, partnership, or
25 association any fee, commission, rebate, or other form of
26 compensation for any professional service not actually

1 rendered; nothing in this paragraph affects any bona fide
2 independent contractor or employment arrangements among
3 health care professionals, health facilities, health care
4 providers, or other entities, except as otherwise
5 prohibited by law; any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this
9 Act; nothing in this paragraph shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered;

12 (13) a finding by the Department that the licensee,
13 after having the license placed on probationary status,
14 has violated the terms of probation or failed to comply
15 with those terms;

16 (14) abandonment, without cause, of a client;

17 (15) willfully making or filing false records or
18 reports relating to a licensee's practice, including, but
19 not limited to, false records filed with federal or State
20 agencies or departments;

21 (16) willfully failing to report an instance of
22 suspected child abuse or neglect as required by the Abused
23 and Neglected Child Reporting Act;

24 (17) being named as a perpetrator in an indicated
25 report by the Department of Children and Family Services
26 under the Abused and Neglected Child Reporting Act, and

1 upon proof by clear and convincing evidence that the
2 licensee has caused a child to be an abused child or
3 neglected child as defined in the Abused and Neglected
4 Child Reporting Act;

5 (18) physical illness, mental illness, or any other
6 impairment or disability, including, but not limited to,
7 deterioration through the aging process, or loss of motor
8 skills that results in the inability to practice the
9 profession with reasonable judgment, skill, or safety;

10 (19) solicitation of professional services by using
11 false or misleading advertising;

12 (20) violation of the Health Care Worker Self-Referral
13 Act;

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

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

24 (b) The determination by a court that a licensee is
25 subject to involuntary admission or judicial admission as
26 provided in the Mental Health and Developmental Disabilities

1 Code shall result in an automatic suspension of the licensee's
2 license. The suspension shall end upon a finding by a court
3 that the licensee is no longer subject to involuntary
4 admission or judicial admission and issues an order so finding
5 and discharging the patient, and upon the recommendation of
6 the Board to the Secretary that the licensee be allowed to
7 resume professional practice.

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

17 (d) In enforcing this Section, the Department, upon a
18 showing of a possible violation, may compel a person licensed
19 to practice under this Act, or who has applied for licensure
20 under this Act, to submit to a mental or physical examination,
21 or both, which may include a substance abuse or sexual
22 offender evaluation, as required by and at the expense of the
23 Department.

24 (1) The Department shall specifically designate the
25 examining physician licensed to practice medicine in all
26 of its branches or, if applicable, the multidisciplinary

1 team involved in providing the mental or physical
2 examination or both. The multidisciplinary team shall be
3 led by a physician licensed to practice medicine in all of
4 its branches and may consist of one or more or a
5 combination of physicians licensed to practice medicine in
6 all of its branches, licensed clinical psychologists,
7 licensed clinical professional counselors, and other
8 professional and administrative staff. Any examining
9 physician or member of the multidisciplinary team may
10 require any person ordered to submit to an examination
11 pursuant to this Section to submit to any additional
12 supplemental testing deemed necessary to complete any
13 examination or evaluation process, including, but not
14 limited to, blood testing, urinalysis, psychological
15 testing, or neuropsychological testing.

16 (2) The Department may order the examining physician
17 or any member of the multidisciplinary team to present
18 testimony concerning this mental or physical examination
19 of the licensee or applicant. No information, report,
20 record, or other documents in any way related to the
21 examination shall be excluded by reason of any common law
22 or statutory privilege relating to communications between
23 the licensee or applicant and the examining physician or
24 any member of the multidisciplinary team. No authorization
25 is necessary from the licensee or applicant ordered to
26 undergo an examination for the examining physician or any

1 member of the multidisciplinary team to provide
2 information, reports, records, or other documents or to
3 provide any testimony regarding the examination and
4 evaluation.

5 (3) The person to be examined may have, at the
6 person's own expense, another physician of the person's
7 choice present during all aspects of the examination.
8 However, that physician shall be present only to observe
9 and may not interfere in any way with the examination.

10 (4) The failure of any person to submit to a mental or
11 physical examination without reasonable cause, when
12 ordered, shall result in an automatic suspension of the
13 person's license until the person submits to the
14 examination.

15 (e) If the Department finds a person unable to practice
16 because of the reasons set forth in this Section, the
17 Department or Board may require that person to submit to care,
18 counseling, or treatment by physicians approved or designated
19 by the Department or Board, as a condition, term, or
20 restriction for continued, reinstated, or renewed licensure to
21 practice; or, in lieu of care, counseling, or treatment, the
22 Department may file, or the Board may recommend to the
23 Department to file, a complaint to immediately suspend,
24 revoke, or otherwise discipline the license of the person. Any
25 person whose license was granted, continued, reinstated,
26 renewed, disciplined, or supervised subject to the terms,

1 conditions, or restrictions, and who fails to comply with the
2 terms, conditions, or restrictions, shall be referred to the
3 Secretary for a determination as to whether the person shall
4 have the person's license suspended immediately, pending a
5 hearing by the Department.

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

10 If the Secretary immediately suspends a person's license
11 under this subsection, a hearing on that person's license must
12 be convened by the Department within 30 days after the
13 suspension and completed without appreciable delay. The
14 Department and Board shall have the authority to review the
15 subject person's record of treatment and counseling regarding
16 the impairment, to the extent permitted by applicable federal
17 statutes and regulations safeguarding the confidentiality of
18 medical records.

19 A person licensed under this Act and affected under this
20 Section shall be afforded an opportunity to demonstrate to the
21 Department or Board that the person can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of the person's license.

24 Section 65. Illinois Administrative Procedure Act. The
25 Illinois Administrative Procedure Act is hereby expressly

1 adopted and incorporated in this Act as if all of the
2 provisions of the Illinois Administrative Procedure Act were
3 included in this Act, except that the provision of subsection
4 (d) of Section 10-65 of the Illinois Administrative Procedure
5 Act is expressly excluded, which provides that at hearings the
6 license holder has the right to show compliance with all
7 lawful requirements for retention, continuation, or renewal of
8 a license. For the purposes of this Act, the notice required
9 under Section 10-25 of the Illinois Administrative Procedure
10 Act is deemed sufficient when served personally upon, mailed
11 to the last known address of record of, or emailed to the email
12 address of record of a party.

13 Section 70. Unlicensed practice; violation; civil penalty.

14 (a) Any person who practices, offers to practice, attempts
15 to practice, or holds oneself out to practice as a licensed
16 behavior analyst or licensed assistant behavior analyst
17 without being licensed or exempt under this Act shall, in
18 addition to any other penalty provided by law, pay a civil
19 penalty to the Department in an amount not to exceed \$10,000
20 for each offense, as determined by the Department. The civil
21 penalty shall be assessed by the Department after a hearing is
22 held in accordance with the provisions set forth in this Act
23 regarding the provision of a hearing for the discipline of a
24 licensee.

25 (b) The Department may investigate any actual, alleged, or

1 suspected unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty.
4 The order shall constitute a final judgment and may be filed
5 and execution had thereon in the same manner as any judgment
6 from any court of record.

7 Section 75. Violations; injunction; cease and desist
8 order.

9 (a) If an individual violates a provision of this Act, the
10 Secretary may, in the name of the People of the State of
11 Illinois, through the Attorney General or the State's Attorney
12 of the county in which the violation is alleged to have
13 occurred, petition for an order enjoining the violation or for
14 an order enforcing compliance with this Act. Upon the filing
15 of a verified petition, the court with appropriate
16 jurisdiction may issue a temporary restraining order without
17 notice or bond, and may preliminarily and permanently enjoin
18 the violation. If it is established that the individual has
19 violated or is violating the injunction, the court may punish
20 the offender for contempt of court. Proceedings under this
21 Section are in addition to all other remedies and penalties
22 provided by this Act.

23 (b) If an individual holds oneself out as being a licensed
24 behavior analyst or a licensed assistant behavior analyst
25 under this Act and is not licensed to do so, then any licensed

1 behavior analyst, licensed assistant behavior analyst,
2 interested party, or any person injured thereby may petition
3 for relief as provided in subsection (a).

4 (c) Whenever, in the opinion of the Department, an
5 individual violates a provision of this Act, the Department
6 may issue a rule to show cause why an order to cease and desist
7 should not be entered against that person. The rule shall
8 clearly set forth the grounds relied upon by the Department
9 and shall allow at least 7 days from the date of the rule to
10 file an answer satisfactory to the Department. Failure to
11 answer to the satisfaction of the Department shall cause an
12 order to cease and desist to be issued.

13 Section 80. Powers and duties of the Department.

14 (a) The Department shall exercise the powers and duties
15 prescribed by the Civil Administrative Code of Illinois for
16 the administration of licensure Acts and shall exercise other
17 powers and duties necessary for effectuating the purposes of
18 this Act.

19 (b) The Department shall adopt rules to administer and
20 enforce this Act, including, but not limited to, fees for
21 original licensure and renewal and restoration of licenses,
22 and may prescribe forms to be issued to implement this Act. At
23 a minimum, the rules adopted by the Department shall include
24 standards and criteria for licensure and for professional
25 conduct and discipline. The Department may consult with the

1 Board in adopting rules. The Department may at any time seek
2 the advice and expert knowledge of the Board on any matter
3 relating to the administration of this Act.

4 (c) Subject to the provisions of this Act, the Department
5 shall:

6 (1) Authorize examinations to ascertain the
7 qualifications and fitness of applicants for licensing as
8 licensed behavior analysts or licensed assistant behavior
9 analysts and pass upon the qualifications of applicants
10 for licensure by endorsement.

11 (2) Conduct hearings or proceedings to refuse to issue
12 or renew or to revoke licenses or suspend, place on
13 probation, censure, or reprimand or take any other
14 disciplinary or nondisciplinary action with regard to a
15 person licensed under this Act.

16 (3) Adopt rules required for the administration of
17 this Act.

18 (4) Conduct investigations related to possible
19 violations of this Act, and prescribe forms to be issued
20 for the administration and enforcement of this Act
21 consistent with and reflecting the requirements of this
22 Act and rules adopted pursuant to this Act.

23 (d) All information collected by the Department in the
24 course of an examination or investigation of a licensee or
25 applicant, including, but not limited to, any complaint
26 against a licensee filed with the Department and information

1 collected to investigate any complaint, shall be maintained
2 for the confidential use of the Department and shall not be
3 disclosed. The Department may not disclose the information to
4 anyone other than law enforcement officials, other regulatory
5 agencies that have an appropriate regulatory interest as
6 determined by the Secretary, or to a party presenting a lawful
7 subpoena to the Department. Information and documents
8 disclosed to a federal, State, county, or local law
9 enforcement agency shall not be disclosed by the agency for
10 any purpose to any other agency or person. A formal complaint
11 filed against a licensee by the Department or any order issued
12 by the Department against a licensee or applicant shall be a
13 public record, except as otherwise prohibited by law.

14 Section 85. Investigations; notice; hearing.

15 (a) The Department may investigate the actions of any
16 applicant or of any person holding or claiming to hold a
17 license under this Act.

18 (b) The Department shall, before disciplining an applicant
19 or licensee, at least 30 days prior to the date set for the
20 hearing: (i) notify, in writing, the applicant or licensee of
21 the charges made and the time and place for the hearing on the
22 charges; (ii) direct the applicant or licensee to file a
23 written answer to the charges under oath within 20 days after
24 the service of the notice; and (iii) inform the applicant or
25 licensee that failure to file an answer will result in a

1 default being entered against the applicant or licensee.

2 (c) Written or electronic notice, and any notice in the
3 subsequent proceeding, may be served by personal delivery, by
4 email, or by mail to the applicant or licensee at the
5 applicant's or licensee's address of record or email address
6 of record.

7 (d) At the time and place fixed in the notice, the
8 Department shall proceed to hear the charges and the parties
9 or the parties' counsel shall be accorded ample opportunity to
10 present any statements, testimony, evidence and argument as
11 may be pertinent to the charges or to the parties' defense. The
12 Board may continue the hearing from time to time.

13 If the person, after receiving the notice, fails to file
14 an answer, the person's license may, in the discretion of the
15 Secretary, having first received the recommendation of the
16 Board, be suspended, revoked, or placed on probationary
17 status, or be subject to whatever disciplinary action the
18 Secretary considers proper, including limiting the scope,
19 nature, or extent of the person's practice or the imposition
20 of a fine, without hearing, if the act or acts charged
21 constitute sufficient grounds for that action under this Act.

22 Section 90. Subpoenas; depositions; oaths. The Department
23 shall have the power to subpoena and to bring before it any
24 person and to take testimony either orally or by deposition,
25 or both, with the same fees and mileage and in the same manner

1 as prescribed in civil cases in the courts of this State.

2 The Secretary and every member of the Board shall have
3 power to administer oaths to witnesses at any hearing which
4 the Department is authorized to conduct, and any other oaths
5 authorized in any Act administered by the Department.

6 Section 95. Compelling testimony. Any court, upon
7 application of the Department, or the applicant or licensee
8 against whom proceedings under Section 55 are pending, may
9 enter an order requiring the attendance of witnesses and the
10 witnesses' testimony, and the production of documents, papers,
11 files, books and records in connection with any hearing or
12 investigation. The court may compel obedience to its order by
13 proceedings for contempt.

14 Section 100. Record of proceedings; transcript.

15 (a) The Department, at its expense, shall preserve a
16 record of all proceedings at any formal hearing of any case.
17 The notice of hearing, complaint and all other documents in
18 the nature of pleadings and written motions filed in the
19 proceedings, the transcript of testimony, the report of the
20 Board, and the orders of the Department shall be the record of
21 the proceedings. The Department shall furnish a copy of the
22 record to any person upon payment of the fee required under
23 Section 2105-115 of the Department of Professional Regulation
24 Law of the Civil Administrative Code of Illinois.

1 (b) The Board shall hear evidence in support of the formal
2 charges and evidence produced by the licensee. At the
3 conclusion of the hearing, the Board shall present to the
4 Secretary a written report of its findings of fact,
5 conclusions of law, and recommendations.

6 Section 105. Findings and recommendations. At the
7 conclusion of the hearing the Board shall present to the
8 Secretary a written report of its findings of fact,
9 conclusions of law, and recommendations. The report shall
10 contain a finding as to whether the licensee violated this Act
11 or failed to comply with the conditions required in this Act.
12 The Board shall specify the nature of the violation or failure
13 to comply, and shall make its recommendations to the
14 Secretary.

15 The report of findings of fact, conclusions of law, and
16 recommendations of the Board shall be the basis for the
17 Department's order or refusal or for the granting of the
18 license or for any disciplinary action, unless the Secretary
19 determines that the Board's report is contrary to the manifest
20 weight of the evidence, in which case the Secretary may issue
21 an order in contravention of the Board's report. The finding
22 is not admissible in evidence against the person in a criminal
23 prosecution brought for the violation of this Act, but the
24 hearing and finding are not a bar to a criminal prosecution
25 brought for the violation of this Act.

1 Section 110. Motion for rehearing. At the conclusion of
2 the hearing, a copy of the Board's report shall be served to
3 the applicant or licensee by the Department, either personally
4 or as provided in this Act for the service of a notice of
5 hearing. Within 20 calendar days after service, the applicant
6 or licensee may present to the Department a motion in writing
7 for a rehearing, which shall specify the particular grounds
8 for rehearing. The Department may respond to the motion for
9 rehearing within 20 calendar days after its service on the
10 Department. If no motion for rehearing is filed, then after
11 the expiration of the time specified for filing the motion, or
12 upon denial of a motion for rehearing, the Secretary may enter
13 an order in accordance with the recommendation of the Board.
14 If the applicant or licensee orders from the reporting service
15 and pays for a transcript of the record within the time for
16 filing a motion for rehearing, the 20-day period within which
17 a motion may be filed shall commence upon the delivery of the
18 transcript to the applicant or licensee.

19 Section 115. Restoration. At any time after the successful
20 completion of a term of probation, suspension, or revocation
21 of any license, the Department may restore the license to the
22 licensee upon the written recommendation of the Board unless
23 after an investigation and hearing the Board or Department
24 determines that restoration is not in the public interest.

1 Where circumstances of suspension or revocation so indicate,
2 the Department may require an examination of the licensee
3 prior to restoring the licensee's license. No person whose
4 license has been revoked as authorized in this Act may apply
5 for restoration of that license until the time provided for in
6 the Civil Administrative Code of Illinois.

7 Section 120. Surrender of license. Upon the revocation or
8 suspension of any license, the licensee shall immediately
9 surrender the licensee's license to the Department. If the
10 licensee fails to do so, the Department shall have the right to
11 seize the license.

12 Section 125. Summary suspension of a license. The
13 Secretary may summarily suspend the license of a licensed
14 behavior analyst or assistant behavior analyst without a
15 hearing simultaneously with the institution of proceedings for
16 a hearing provided for in this Act if the Secretary finds that
17 evidence in the Secretary's possession indicates that a
18 licensee's continuation in practice would constitute an
19 imminent danger to the public. If the Secretary summarily
20 suspends the license without a hearing, a hearing by the Board
21 or Department shall be held within 30 calendar days after the
22 suspension has occurred.

23 Section 130. Administrative review.

1 (a) All final administrative decisions of the Department
2 hereunder shall be subject to judicial review pursuant to the
3 provisions of the Administrative Review Law, and all
4 amendments and modifications thereof, and the rules adopted
5 pursuant thereto. "Administrative decision" has the same
6 meaning as in Section 3-101 of the Code of Civil Procedure.

7 (b) Proceedings for judicial review shall be commenced in
8 the circuit court of the county in which the party applying for
9 review resides, but if the party is not a resident of the
10 State, the venue shall be in Sangamon County.

11 Section 135. Certification of record. The Department shall
12 not be required to certify any record to the court, file any
13 answer in court, or otherwise appear in any judicial review
14 proceedings, unless and until the Department has received from
15 the plaintiff payment of the costs of furnishing and
16 certifying the record, which costs shall be determined by the
17 Department. The failure on the part of the plaintiff to file a
18 receipt in court shall be grounds for dismissal of the action.

19 Section 140. Fees. The Department shall provide by rule
20 for a schedule of fees for the administration and enforcement
21 of this Act, including, but not limited to, original
22 licensure, registration, renewal, and restoration. The fees
23 shall be nonrefundable.

24 All fees, fines, and penalties collected under this Act

1 shall be deposited into the General Professions Dedicated Fund
2 and shall be appropriated to the Department for the ordinary
3 and contingent expenses of the Department in the
4 administration of this Act.

5 Section 145. Order; certified copy. An order or a
6 certified copy thereof, over the seal of the Department and
7 purporting to be signed by the Secretary, shall be prima facie
8 proof:

9 (1) that the signature is the genuine signature of the
10 Secretary;

11 (2) that the Secretary is duly appointed and
12 qualified; and

13 (3) that the Board and its members are qualified to
14 act.

15 Section 150. License restrictions and limitations. No
16 business organization shall provide, attempt to provide, or
17 offer to provide behavior analysis services unless every
18 member, partner, shareholder, director, officer, holder of any
19 other ownership interest, agent, and employee who renders
20 applied behavior analysis services holds a currently valid
21 license issued under this Act. No business shall be created
22 that (i) has a stated purpose that includes behavior analysis,
23 or (ii) practices or holds itself out as available to practice
24 behavior analysis therapy, unless it is organized under the

1 Professional Service Corporation Act or Professional Limited
2 Liability Company Act. Nothing in this Act shall preclude
3 individuals licensed under this Act from practicing directly
4 or indirectly for a physician licensed to practice medicine in
5 all its branches under the Medical Practice Act of 1987 or for
6 any legal entity as provided under subsection (c) of Section
7 22.2 of the Medical Practice Act of 1987.

8 Section 155. Examinations.

9 (a) The Department shall authorize examinations of
10 applicants as provided under this Act at such times and places
11 as it may determine. The examination of applicants shall be of
12 a character to give a fair test of the qualifications of the
13 applicant to practice behavior analysis.

14 (b) Applicants for examination shall be required to pay,
15 either to the Department or the designated testing service, a
16 fee covering the cost of providing the examination.

17 (c) The Department may employ consultants for the purpose
18 of preparing and conducting examinations.

19 Section 160. Social Security Number on license
20 application. In addition to any other information required to
21 be contained in the application, every application for an
22 original license under this Act shall include the applicant's
23 Social Security Number, which shall be retained in the
24 agency's records pertaining to the license. As soon as

1 practical, the Department shall assign a customer's
2 identification number to each applicant for a license.

3 Every application for a renewal or restored license shall
4 require the applicant's customer identification number.

5 Section 900. The Regulatory Sunset Act is amended by
6 changing Section 4.38 as follows:

7 (5 ILCS 80/4.38)

8 Sec. 4.38. Acts repealed on January 1, 2028. The following
9 Acts are repealed on January 1, 2028:

10 The Acupuncture Practice Act.

11 The Behavior Analyst Licensing Act.

12 The Clinical Social Work and Social Work Practice Act.

13 The Home Medical Equipment and Services Provider License
14 Act.

15 The Illinois Petroleum Education and Marketing Act.

16 The Illinois Speech-Language Pathology and Audiology
17 Practice Act.

18 The Interpreter for the Deaf Licensure Act of 2007.

19 The Nurse Practice Act.

20 The Nursing Home Administrators Licensing and Disciplinary
21 Act.

22 The Physician Assistant Practice Act of 1987.

23 The Podiatric Medical Practice Act of 1987.

24 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;

1 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
2 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
3 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

4 Section 903. The Illinois Public Aid Code is amended by
5 changing Section 5-30.11 as follows:

6 (305 ILCS 5/5-30.11)

7 Sec. 5-30.11. Treatment of autism spectrum disorder.
8 Treatment of autism spectrum disorder through applied behavior
9 analysis shall be covered under the medical assistance program
10 under this Article for children with a diagnosis of autism
11 spectrum disorder when ordered by: (1) a physician licensed to
12 practice medicine in all its branches and rendered by a
13 licensed or certified health care professional with expertise
14 in applied behavior analysis; or (2) when evaluated and
15 treated by a behavior analyst licensed by the Department of
16 Financial and Professional Regulation to practice applied
17 behavior analysis in this State. Such coverage may be limited
18 to age ranges based on evidence-based best practices.
19 Appropriate State plan amendments as well as rules regarding
20 provision of services and providers will be submitted by
21 September 1, 2019.

22 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

23 Section 905. The Adult Protective Services Act is amended

1 by changing Section 2 as follows:

2 (320 ILCS 20/2) (from Ch. 23, par. 6602)

3 Sec. 2. Definitions. As used in this Act, unless the
4 context requires otherwise:

5 (a) "Abandonment" means the desertion or willful forsaking
6 of an eligible adult by an individual responsible for the care
7 and custody of that eligible adult under circumstances in
8 which a reasonable person would continue to provide care and
9 custody. Nothing in this Act shall be construed to mean that an
10 eligible adult is a victim of abandonment because of health
11 care services provided or not provided by licensed health care
12 professionals.

13 (a-1) "Abuse" means causing any physical, mental or sexual
14 injury to an eligible adult, including exploitation of such
15 adult's financial resources, and abandonment.

16 Nothing in this Act shall be construed to mean that an
17 eligible adult is a victim of abuse, abandonment, neglect, or
18 self-neglect for the sole reason that he or she is being
19 furnished with or relies upon treatment by spiritual means
20 through prayer alone, in accordance with the tenets and
21 practices of a recognized church or religious denomination.

22 Nothing in this Act shall be construed to mean that an
23 eligible adult is a victim of abuse because of health care
24 services provided or not provided by licensed health care
25 professionals.

1 (a-5) "Abuser" means a person who abuses, abandons,
2 neglects, or financially exploits an eligible adult.

3 (a-6) "Adult with disabilities" means a person aged 18
4 through 59 who resides in a domestic living situation and
5 whose disability as defined in subsection (c-5) impairs his or
6 her ability to seek or obtain protection from abuse,
7 abandonment, neglect, or exploitation.

8 (a-7) "Caregiver" means a person who either as a result of
9 a family relationship, voluntarily, or in exchange for
10 compensation has assumed responsibility for all or a portion
11 of the care of an eligible adult who needs assistance with
12 activities of daily living or instrumental activities of daily
13 living.

14 (b) "Department" means the Department on Aging of the
15 State of Illinois.

16 (c) "Director" means the Director of the Department.

17 (c-5) "Disability" means a physical or mental disability,
18 including, but not limited to, a developmental disability, an
19 intellectual disability, a mental illness as defined under the
20 Mental Health and Developmental Disabilities Code, or dementia
21 as defined under the Alzheimer's Disease Assistance Act.

22 (d) "Domestic living situation" means a residence where
23 the eligible adult at the time of the report lives alone or
24 with his or her family or a caregiver, or others, or other
25 community-based unlicensed facility, but is not:

26 (1) A licensed facility as defined in Section 1-113 of

1 the Nursing Home Care Act;

2 (1.5) A facility licensed under the ID/DD Community
3 Care Act;

4 (1.6) A facility licensed under the MC/DD Act;

5 (1.7) A facility licensed under the Specialized Mental
6 Health Rehabilitation Act of 2013;

7 (2) A "life care facility" as defined in the Life Care
8 Facilities Act;

9 (3) A home, institution, or other place operated by
10 the federal government or agency thereof or by the State
11 of Illinois;

12 (4) A hospital, sanitarium, or other institution, the
13 principal activity or business of which is the diagnosis,
14 care, and treatment of human illness through the
15 maintenance and operation of organized facilities
16 therefor, which is required to be licensed under the
17 Hospital Licensing Act;

18 (5) A "community living facility" as defined in the
19 Community Living Facilities Licensing Act;

20 (6) (Blank);

21 (7) A "community-integrated living arrangement" as
22 defined in the Community-Integrated Living Arrangements
23 Licensure and Certification Act or a "community
24 residential alternative" as licensed under that Act;

25 (8) An assisted living or shared housing establishment
26 as defined in the Assisted Living and Shared Housing Act;

1 or

2 (9) A supportive living facility as described in
3 Section 5-5.01a of the Illinois Public Aid Code.

4 (e) "Eligible adult" means either an adult with
5 disabilities aged 18 through 59 or a person aged 60 or older
6 who resides in a domestic living situation and is, or is
7 alleged to be, abused, abandoned, neglected, or financially
8 exploited by another individual or who neglects himself or
9 herself. "Eligible adult" also includes an adult who resides
10 in any of the facilities that are excluded from the definition
11 of "domestic living situation" under paragraphs (1) through
12 (9) of subsection (d), if either: (i) the alleged abuse,
13 abandonment, or neglect occurs outside of the facility and not
14 under facility supervision and the alleged abuser is a family
15 member, caregiver, or another person who has a continuing
16 relationship with the adult; or (ii) the alleged financial
17 exploitation is perpetrated by a family member, caregiver, or
18 another person who has a continuing relationship with the
19 adult, but who is not an employee of the facility where the
20 adult resides.

21 (f) "Emergency" means a situation in which an eligible
22 adult is living in conditions presenting a risk of death or
23 physical, mental or sexual injury and the provider agency has
24 reason to believe the eligible adult is unable to consent to
25 services which would alleviate that risk.

26 (f-1) "Financial exploitation" means the use of an

1 eligible adult's resources by another to the disadvantage of
2 that adult or the profit or advantage of a person other than
3 that adult.

4 (f-5) "Mandated reporter" means any of the following
5 persons while engaged in carrying out their professional
6 duties:

7 (1) a professional or professional's delegate while
8 engaged in: (i) social services, (ii) law enforcement,
9 (iii) education, (iv) the care of an eligible adult or
10 eligible adults, or (v) any of the occupations required to
11 be licensed under the Behavior Analyst Licensing Act, the
12 Clinical Psychologist Licensing Act, the Clinical Social
13 Work and Social Work Practice Act, the Illinois Dental
14 Practice Act, the Dietitian Nutritionist Practice Act, the
15 Marriage and Family Therapy Licensing Act, the Medical
16 Practice Act of 1987, the Naprapathic Practice Act, the
17 Nurse Practice Act, the Nursing Home Administrators
18 Licensing and Disciplinary Act, the Illinois Occupational
19 Therapy Practice Act, the Illinois Optometric Practice Act
20 of 1987, the Pharmacy Practice Act, the Illinois Physical
21 Therapy Act, the Physician Assistant Practice Act of 1987,
22 the Podiatric Medical Practice Act of 1987, the
23 Respiratory Care Practice Act, the Professional Counselor
24 and Clinical Professional Counselor Licensing and Practice
25 Act, the Illinois Speech-Language Pathology and Audiology
26 Practice Act, the Veterinary Medicine and Surgery Practice

1 Act of 2004, and the Illinois Public Accounting Act;

2 (1.5) an employee of an entity providing developmental
3 disabilities services or service coordination funded by
4 the Department of Human Services;

5 (2) an employee of a vocational rehabilitation
6 facility prescribed or supervised by the Department of
7 Human Services;

8 (3) an administrator, employee, or person providing
9 services in or through an unlicensed community based
10 facility;

11 (4) any religious practitioner who provides treatment
12 by prayer or spiritual means alone in accordance with the
13 tenets and practices of a recognized church or religious
14 denomination, except as to information received in any
15 confession or sacred communication enjoined by the
16 discipline of the religious denomination to be held
17 confidential;

18 (5) field personnel of the Department of Healthcare
19 and Family Services, Department of Public Health, and
20 Department of Human Services, and any county or municipal
21 health department;

22 (6) personnel of the Department of Human Services, the
23 Guardianship and Advocacy Commission, the State Fire
24 Marshal, local fire departments, the Department on Aging
25 and its subsidiary Area Agencies on Aging and provider
26 agencies, and the Office of State Long Term Care

1 Ombudsman;

2 (7) any employee of the State of Illinois not
3 otherwise specified herein who is involved in providing
4 services to eligible adults, including professionals
5 providing medical or rehabilitation services and all other
6 persons having direct contact with eligible adults;

7 (8) a person who performs the duties of a coroner or
8 medical examiner; or

9 (9) a person who performs the duties of a paramedic or
10 an emergency medical technician.

11 (g) "Neglect" means another individual's failure to
12 provide an eligible adult with or willful withholding from an
13 eligible adult the necessities of life including, but not
14 limited to, food, clothing, shelter or health care. This
15 subsection does not create any new affirmative duty to provide
16 support to eligible adults. Nothing in this Act shall be
17 construed to mean that an eligible adult is a victim of neglect
18 because of health care services provided or not provided by
19 licensed health care professionals.

20 (h) "Provider agency" means any public or nonprofit agency
21 in a planning and service area that is selected by the
22 Department or appointed by the regional administrative agency
23 with prior approval by the Department on Aging to receive and
24 assess reports of alleged or suspected abuse, abandonment,
25 neglect, or financial exploitation. A provider agency is also
26 referenced as a "designated agency" in this Act.

1 (i) "Regional administrative agency" means any public or
2 nonprofit agency in a planning and service area that provides
3 regional oversight and performs functions as set forth in
4 subsection (b) of Section 3 of this Act. The Department shall
5 designate an Area Agency on Aging as the regional
6 administrative agency or, in the event the Area Agency on
7 Aging in that planning and service area is deemed by the
8 Department to be unwilling or unable to provide those
9 functions, the Department may serve as the regional
10 administrative agency or designate another qualified entity to
11 serve as the regional administrative agency; any such
12 designation shall be subject to terms set forth by the
13 Department.

14 (i-5) "Self-neglect" means a condition that is the result
15 of an eligible adult's inability, due to physical or mental
16 impairments, or both, or a diminished capacity, to perform
17 essential self-care tasks that substantially threaten his or
18 her own health, including: providing essential food, clothing,
19 shelter, and health care; and obtaining goods and services
20 necessary to maintain physical health, mental health,
21 emotional well-being, and general safety. The term includes
22 compulsive hoarding, which is characterized by the acquisition
23 and retention of large quantities of items and materials that
24 produce an extensively cluttered living space, which
25 significantly impairs the performance of essential self-care
26 tasks or otherwise substantially threatens life or safety.

1 (j) "Substantiated case" means a reported case of alleged
2 or suspected abuse, abandonment, neglect, financial
3 exploitation, or self-neglect in which a provider agency,
4 after assessment, determines that there is reason to believe
5 abuse, abandonment, neglect, or financial exploitation has
6 occurred.

7 (k) "Verified" means a determination that there is "clear
8 and convincing evidence" that the specific injury or harm
9 alleged was the result of abuse, abandonment, neglect, or
10 financial exploitation.

11 (Source: P.A. 102-244, eff. 1-1-22.)

12 Section 910. The Abused and Neglected Child Reporting Act
13 is amended by changing Section 4 as follows:

14 (325 ILCS 5/4)

15 Sec. 4. Persons required to report; privileged
16 communications; transmitting false report.

17 (a) The following persons are required to immediately
18 report to the Department when they have reasonable cause to
19 believe that a child known to them in their professional or
20 official capacities may be an abused child or a neglected
21 child:

22 (1) Medical personnel, including any: physician
23 licensed to practice medicine in any of its branches
24 (medical doctor or doctor of osteopathy); resident;

1 intern; medical administrator or personnel engaged in the
2 examination, care, and treatment of persons; psychiatrist;
3 surgeon; dentist; dental hygienist; chiropractic
4 physician; podiatric physician; physician assistant;
5 emergency medical technician; acupuncturist; registered
6 nurse; licensed practical nurse; advanced practice
7 registered nurse; genetic counselor; respiratory care
8 practitioner; home health aide; or certified nursing
9 assistant.

10 (2) Social services and mental health personnel,
11 including any: licensed professional counselor; licensed
12 clinical professional counselor; licensed social worker;
13 licensed clinical social worker; licensed psychologist or
14 assistant working under the direct supervision of a
15 psychologist; associate licensed marriage and family
16 therapist; licensed marriage and family therapist; field
17 personnel of the Departments of Healthcare and Family
18 Services, Public Health, Human Services, Human Rights, or
19 Children and Family Services; supervisor or administrator
20 of the General Assistance program established under
21 Article VI of the Illinois Public Aid Code; social
22 services administrator; or substance abuse treatment
23 personnel.

24 (3) Crisis intervention personnel, including any:
25 crisis line or hotline personnel; or domestic violence
26 program personnel.

1 (4) Education personnel, including any: school
2 personnel (including administrators and certified and
3 non-certified school employees); personnel of institutions
4 of higher education; educational advocate assigned to a
5 child in accordance with the School Code; member of a
6 school board or the Chicago Board of Education or the
7 governing body of a private school (but only to the extent
8 required under subsection (d)); or truant officer.

9 (5) Recreation or athletic program or facility
10 personnel.

11 (6) Child care personnel, including any: early
12 intervention provider as defined in the Early Intervention
13 Services System Act; director or staff assistant of a
14 nursery school or a child day care center; or foster
15 parent, homemaker, or child care worker.

16 (7) Law enforcement personnel, including any: law
17 enforcement officer; field personnel of the Department of
18 Juvenile Justice; field personnel of the Department of
19 Corrections; probation officer; or animal control officer
20 or field investigator of the Department of Agriculture's
21 Bureau of Animal Health and Welfare.

22 (8) Any funeral home director; funeral home director
23 and embalmer; funeral home employee; coroner; or medical
24 examiner.

25 (9) Any member of the clergy.

26 (10) Any physician, physician assistant, registered

1 nurse, licensed practical nurse, medical technician,
2 certified nursing assistant, licensed social worker,
3 licensed clinical social worker, or licensed professional
4 counselor of any office, clinic, licensed behavior
5 analyst, licensed assistant behavior analyst, or any other
6 physical location that provides abortions, abortion
7 referrals, or contraceptives.

8 (b) When 2 or more persons who work within the same
9 workplace and are required to report under this Act share a
10 reasonable cause to believe that a child may be an abused or
11 neglected child, one of those reporters may be designated to
12 make a single report. The report shall include the names and
13 contact information for the other mandated reporters sharing
14 the reasonable cause to believe that a child may be an abused
15 or neglected child. The designated reporter must provide
16 written confirmation of the report to those mandated reporters
17 within 48 hours. If confirmation is not provided, those
18 mandated reporters are individually responsible for
19 immediately ensuring a report is made. Nothing in this Section
20 precludes or may be used to preclude any person from reporting
21 child abuse or child neglect.

22 (c) (1) As used in this Section, "a child known to them in
23 their professional or official capacities" means:

24 (A) the mandated reporter comes into contact with the
25 child in the course of the reporter's employment or
26 practice of a profession, or through a regularly scheduled

1 program, activity, or service;

2 (B) the mandated reporter is affiliated with an
3 agency, institution, organization, school, school
4 district, regularly established church or religious
5 organization, or other entity that is directly responsible
6 for the care, supervision, guidance, or training of the
7 child; or

8 (C) a person makes a specific disclosure to the
9 mandated reporter that an identifiable child is the victim
10 of child abuse or child neglect, and the disclosure
11 happens while the mandated reporter is engaged in his or
12 her employment or practice of a profession, or in a
13 regularly scheduled program, activity, or service.

14 (2) Nothing in this Section requires a child to come
15 before the mandated reporter in order for the reporter to make
16 a report of suspected child abuse or child neglect.

17 (d) If an allegation is raised to a school board member
18 during the course of an open or closed school board meeting
19 that a child who is enrolled in the school district of which he
20 or she is a board member is an abused child as defined in
21 Section 3 of this Act, the member shall direct or cause the
22 school board to direct the superintendent of the school
23 district or other equivalent school administrator to comply
24 with the requirements of this Act concerning the reporting of
25 child abuse. For purposes of this paragraph, a school board
26 member is granted the authority in his or her individual

1 capacity to direct the superintendent of the school district
2 or other equivalent school administrator to comply with the
3 requirements of this Act concerning the reporting of child
4 abuse.

5 Notwithstanding any other provision of this Act, if an
6 employee of a school district has made a report or caused a
7 report to be made to the Department under this Act involving
8 the conduct of a current or former employee of the school
9 district and a request is made by another school district for
10 the provision of information concerning the job performance or
11 qualifications of the current or former employee because he or
12 she is an applicant for employment with the requesting school
13 district, the general superintendent of the school district to
14 which the request is being made must disclose to the
15 requesting school district the fact that an employee of the
16 school district has made a report involving the conduct of the
17 applicant or caused a report to be made to the Department, as
18 required under this Act. Only the fact that an employee of the
19 school district has made a report involving the conduct of the
20 applicant or caused a report to be made to the Department may
21 be disclosed by the general superintendent of the school
22 district to which the request for information concerning the
23 applicant is made, and this fact may be disclosed only in cases
24 where the employee and the general superintendent have not
25 been informed by the Department that the allegations were
26 unfounded. An employee of a school district who is or has been

1 the subject of a report made pursuant to this Act during his or
2 her employment with the school district must be informed by
3 that school district that if he or she applies for employment
4 with another school district, the general superintendent of
5 the former school district, upon the request of the school
6 district to which the employee applies, shall notify that
7 requesting school district that the employee is or was the
8 subject of such a report.

9 (e) Whenever such person is required to report under this
10 Act in his capacity as a member of the staff of a medical or
11 other public or private institution, school, facility or
12 agency, or as a member of the clergy, he shall make report
13 immediately to the Department in accordance with the
14 provisions of this Act and may also notify the person in charge
15 of such institution, school, facility or agency, or church,
16 synagogue, temple, mosque, or other religious institution, or
17 his designated agent that such report has been made. Under no
18 circumstances shall any person in charge of such institution,
19 school, facility or agency, or church, synagogue, temple,
20 mosque, or other religious institution, or his designated
21 agent to whom such notification has been made, exercise any
22 control, restraint, modification or other change in the report
23 or the forwarding of such report to the Department.

24 (f) In addition to the persons required to report
25 suspected cases of child abuse or child neglect under this
26 Section, any other person may make a report if such person has

1 reasonable cause to believe a child may be an abused child or a
2 neglected child.

3 (g) The privileged quality of communication between any
4 professional person required to report and his patient or
5 client shall not apply to situations involving abused or
6 neglected children and shall not constitute grounds for
7 failure to report as required by this Act or constitute
8 grounds for failure to share information or documents with the
9 Department during the course of a child abuse or neglect
10 investigation. If requested by the professional, the
11 Department shall confirm in writing that the information or
12 documents disclosed by the professional were gathered in the
13 course of a child abuse or neglect investigation.

14 The reporting requirements of this Act shall not apply to
15 the contents of a privileged communication between an attorney
16 and his or her client or to confidential information within
17 the meaning of Rule 1.6 of the Illinois Rules of Professional
18 Conduct relating to the legal representation of an individual
19 client.

20 A member of the clergy may claim the privilege under
21 Section 8-803 of the Code of Civil Procedure.

22 (h) Any office, clinic, or any other physical location
23 that provides abortions, abortion referrals, or contraceptives
24 shall provide to all office personnel copies of written
25 information and training materials about abuse and neglect and
26 the requirements of this Act that are provided to employees of

1 the office, clinic, or physical location who are required to
2 make reports to the Department under this Act, and instruct
3 such office personnel to bring to the attention of an employee
4 of the office, clinic, or physical location who is required to
5 make reports to the Department under this Act any reasonable
6 suspicion that a child known to him or her in his or her
7 professional or official capacity may be an abused child or a
8 neglected child.

9 (i) Any person who enters into employment on and after
10 July 1, 1986 and is mandated by virtue of that employment to
11 report under this Act, shall sign a statement on a form
12 prescribed by the Department, to the effect that the employee
13 has knowledge and understanding of the reporting requirements
14 of this Act. On and after January 1, 2019, the statement shall
15 also include information about available mandated reporter
16 training provided by the Department. The statement shall be
17 signed prior to commencement of the employment. The signed
18 statement shall be retained by the employer. The cost of
19 printing, distribution, and filing of the statement shall be
20 borne by the employer.

21 (j) Persons required to report child abuse or child
22 neglect as provided under this Section must complete an
23 initial mandated reporter training, including a section on
24 implicit bias, within 3 months of their date of engagement in a
25 professional or official capacity as a mandated reporter, or
26 within the time frame of any other applicable State law that

1 governs training requirements for a specific profession, and
2 at least every 3 years thereafter. The initial requirement
3 only applies to the first time they engage in their
4 professional or official capacity. In lieu of training every 3
5 years, medical personnel, as listed in paragraph (1) of
6 subsection (a), must meet the requirements described in
7 subsection (k).

8 The mandated reporter trainings shall be in-person or
9 web-based, and shall include, at a minimum, information on the
10 following topics: (i) indicators for recognizing child abuse
11 and child neglect, as defined under this Act; (ii) the process
12 for reporting suspected child abuse and child neglect in
13 Illinois as required by this Act and the required
14 documentation; (iii) responding to a child in a
15 trauma-informed manner; and (iv) understanding the response of
16 child protective services and the role of the reporter after a
17 call has been made. Child-serving organizations are encouraged
18 to provide in-person annual trainings.

19 The implicit bias section shall be in-person or web-based,
20 and shall include, at a minimum, information on the following
21 topics: (i) implicit bias and (ii) racial and ethnic
22 sensitivity. As used in this subsection, "implicit bias" means
23 the attitudes or internalized stereotypes that affect people's
24 perceptions, actions, and decisions in an unconscious manner
25 and that exist and often contribute to unequal treatment of
26 people based on race, ethnicity, gender identity, sexual

1 orientation, age, disability, and other characteristics. The
2 implicit bias section shall provide tools to adjust automatic
3 patterns of thinking and ultimately eliminate discriminatory
4 behaviors. During these trainings mandated reporters shall
5 complete the following: (1) a pretest to assess baseline
6 implicit bias levels; (2) an implicit bias training task; and
7 (3) a posttest to reevaluate bias levels after training. The
8 implicit bias curriculum for mandated reporters shall be
9 developed within one year after the effective date of this
10 amendatory Act of the 102nd General Assembly and shall be
11 created in consultation with organizations demonstrating
12 expertise and or experience in the areas of implicit bias,
13 youth and adolescent developmental issues, prevention of child
14 abuse, exploitation, and neglect, culturally diverse family
15 systems, and the child welfare system.

16 The mandated reporter training, including a section on
17 implicit bias, shall be provided through the Department,
18 through an entity authorized to provide continuing education
19 for professionals licensed through the Department of Financial
20 and Professional Regulation, the State Board of Education, the
21 Illinois Law Enforcement Training Standards Board, or the
22 Department of State Police, or through an organization
23 approved by the Department to provide mandated reporter
24 training, including a section on implicit bias. The Department
25 must make available a free web-based training for reporters.

26 Each mandated reporter shall report to his or her employer

1 and, when applicable, to his or her licensing or certification
2 board that he or she received the mandated reporter training.
3 The mandated reporter shall maintain records of completion.

4 Beginning January 1, 2021, if a mandated reporter receives
5 licensure from the Department of Financial and Professional
6 Regulation or the State Board of Education, and his or her
7 profession has continuing education requirements, the training
8 mandated under this Section shall count toward meeting the
9 licensee's required continuing education hours.

10 (k) (1) Medical personnel, as listed in paragraph (1) of
11 subsection (a), who work with children in their professional
12 or official capacity, must complete mandated reporter training
13 at least every 6 years. Such medical personnel, if licensed,
14 must attest at each time of licensure renewal on their renewal
15 form that they understand they are a mandated reporter of
16 child abuse and neglect, that they are aware of the process for
17 making a report, that they know how to respond to a child in a
18 trauma-informed manner, and that they are aware of the role of
19 child protective services and the role of a reporter after a
20 call has been made.

21 (2) In lieu of repeated training, medical personnel, as
22 listed in paragraph (1) of subsection (a), who do not work with
23 children in their professional or official capacity, may
24 instead attest each time at licensure renewal on their renewal
25 form that they understand they are a mandated reporter of
26 child abuse and neglect, that they are aware of the process for

1 making a report, that they know how to respond to a child in a
2 trauma-informed manner, and that they are aware of the role of
3 child protective services and the role of a reporter after a
4 call has been made. Nothing in this paragraph precludes
5 medical personnel from completing mandated reporter training
6 and receiving continuing education credits for that training.

7 (l) The Department shall provide copies of this Act, upon
8 request, to all employers employing persons who shall be
9 required under the provisions of this Section to report under
10 this Act.

11 (m) Any person who knowingly transmits a false report to
12 the Department commits the offense of disorderly conduct under
13 subsection (a)(7) of Section 26-1 of the Criminal Code of
14 2012. A violation of this provision is a Class 4 felony.

15 Any person who knowingly and willfully violates any
16 provision of this Section other than a second or subsequent
17 violation of transmitting a false report as described in the
18 preceding paragraph, is guilty of a Class A misdemeanor for a
19 first violation and a Class 4 felony for a second or subsequent
20 violation; except that if the person acted as part of a plan or
21 scheme having as its object the prevention of discovery of an
22 abused or neglected child by lawful authorities for the
23 purpose of protecting or insulating any person or entity from
24 arrest or prosecution, the person is guilty of a Class 4 felony
25 for a first offense and a Class 3 felony for a second or
26 subsequent offense (regardless of whether the second or

1 subsequent offense involves any of the same facts or persons
2 as the first or other prior offense).

3 (n) A child whose parent, guardian or custodian in good
4 faith selects and depends upon spiritual means through prayer
5 alone for the treatment or cure of disease or remedial care may
6 be considered neglected or abused, but not for the sole reason
7 that his parent, guardian or custodian accepts and practices
8 such beliefs.

9 (o) A child shall not be considered neglected or abused
10 solely because the child is not attending school in accordance
11 with the requirements of Article 26 of the School Code, as
12 amended.

13 (p) Nothing in this Act prohibits a mandated reporter who
14 reasonably believes that an animal is being abused or
15 neglected in violation of the Humane Care for Animals Act from
16 reporting animal abuse or neglect to the Department of
17 Agriculture's Bureau of Animal Health and Welfare.

18 (q) A home rule unit may not regulate the reporting of
19 child abuse or neglect in a manner inconsistent with the
20 provisions of this Section. This Section is a limitation under
21 subsection (i) of Section 6 of Article VII of the Illinois
22 Constitution on the concurrent exercise by home rule units of
23 powers and functions exercised by the State.

24 (r) For purposes of this Section "child abuse or neglect"
25 includes abuse or neglect of an adult resident as defined in
26 this Act.

1 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22.)

2 Section 999. Effective date. This Act takes effect upon
3 becoming law.".