



Rep. Tim Ozinga

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10200HB5256ham001

LRB102 22227 AMQ 36973 a

1 AMENDMENT TO HOUSE BILL 5256

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5256 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law  
5 of the Civil Administrative Code of Illinois is amended by  
6 changing Section 2105-207 as follows:

7 (20 ILCS 2105/2105-207)

8 Sec. 2105-207. Records of Department actions.

9 (a) Any licensee subject to a licensing Act administered  
10 by the Division of Professional Regulation and who has been  
11 subject to disciplinary action by the Department may file an  
12 application with the Department on forms provided by the  
13 Department, along with the required fee of \$175, to have the  
14 records classified as confidential, not for public release,  
15 and considered expunged for reporting purposes if:

16 (1) the application is submitted more than 2 ~~3~~ years

1 after the date of the final disciplinary action ~~offense or~~  
2 ~~offenses occurred~~ or after restoration of the license,  
3 whichever is later;

4 (2) the licensee has had no incidents of discipline  
5 under the licensing Act since the final disciplinary  
6 action was issued by the Department ~~offense or offenses~~  
7 ~~identified in the application occurred;~~

8 (3) the Department has no pending investigations  
9 against the licensee; and

10 (4) the licensee is not currently in a disciplinary  
11 status.

12 (b) An application to make disciplinary records  
13 confidential shall only be considered by the Department for an  
14 offense or action relating to:

15 (1) failure to pay taxes;

16 (2) continuing education;

17 (3) failure to renew a license on time;

18 (4) failure to obtain or renew a certificate of  
19 registration or ancillary license;

20 (5) advertising;

21 (5.1) discipline based on criminal charges or  
22 convictions:

23 (A) that did not arise from the licensed activity  
24 and was unrelated to the licensed activity; or

25 (B) that were dismissed or for which records have  
26 been sealed or expunged;

1           (5.2) past probationary status of a license issued to  
2           new applicants on the sole or partial basis of prior  
3           convictions; or

4           (6) any grounds for discipline removed from the  
5           licensing Act.

6           (c) An application shall be submitted to and considered by  
7           the Director of the Division of Professional Regulation upon  
8           submission of an application and the required non-refundable  
9           fee. The Department may establish additional requirements by  
10          rule. The Department is not required to report the removal of  
11          any disciplinary record to any national database. Nothing in  
12          this Section shall prohibit the Department from using a  
13          previous discipline for any regulatory purpose or from  
14          releasing records of a previous discipline upon request from  
15          law enforcement, or other governmental body as permitted by  
16          law. Classification of records as confidential shall result in  
17          removal of records of discipline from records kept pursuant to  
18          Sections 2105-200 and 2105-205 of this Act.

19          (d) Any applicant for licensure or a licensee whose  
20          petition for review is granted by the Department pursuant to  
21          subsection (a-1) of Section 2105-165 of this Law may file an  
22          application with the Department on forms provided by the  
23          Department to have records relating to his or her permanent  
24          denial or permanent revocation classified as confidential and  
25          not for public release and considered expunged for reporting  
26          purposes in the same manner and under the same terms as is

1 provided in this Section for the offenses listed in subsection  
2 (b) of this Section, except that the requirements of a 2-year  
3 ~~7-year~~ waiting period and the \$175 ~~\$200~~ application fee do not  
4 apply.

5 (Source: P.A. 100-262, eff. 8-22-17; 100-286, eff. 1-1-18;  
6 100-863, eff. 8-14-18; 100-872, eff. 8-14-18.)".