

1 AN ACT concerning professional regulation.

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

4 Section 5. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by changing Section 4-7 as
6 follows:

7 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)
8 (Section scheduled to be repealed on January 1, 2006)
9 Sec. 4-7. Refusal, suspension and revocation of
10 licenses; causes; disciplinary action.

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

17 a. Conviction of any crime under the laws of the
18 United States or any state or territory thereof that is
19 ~~{i}-a-felony,-{ii}-a-misdemeanor,-an-essential-element-of~~
20 ~~which-is-dishonesty,-or-{iii}~~ a crime which is related to
21 the practice of the profession.

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

24 c. Material misstatement in furnishing information
25 to the Department.

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

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

31 f. Failing, within 60 days, to provide information

1 in response to a written request made by the Department.

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

6 h. Practice in the barber, nail technology,
7 esthetics, or cosmetology profession, or an attempt to
8 practice in those professions, by fraudulent
9 misrepresentation.

10 i. Gross malpractice or gross incompetency.

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

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

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

18 m. Directly or indirectly giving to or receiving
19 from any person, firm, corporation, partnership or
20 association any fee, commission, rebate, or other form of
21 compensation for any professional services not actually
22 or personally rendered.

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

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

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

33 q. Engaging in dishonorable, unethical or
34 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public as may be defined by rules of
2 the Department, or violating the rules of professional
3 conduct which may be adopted by the Department.

4 r. Permitting any person to use for any unlawful or
5 fraudulent purpose one's diploma or license or
6 certificate of registration as a cosmetologist, nail
7 technician, esthetician, or barber or cosmetology, nail
8 technology, esthetics, or barbering teacher or salon or
9 shop or cosmetology, esthetics, or nail technology clinic
10 teacher.

11 s. Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act and
14 upon proof by clear and convincing evidence that the
15 licensee has caused a child to be an abused child or
16 neglected child as defined in the Abused and Neglected
17 Child Reporting Act.

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

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

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

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

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

31 (3) The Department shall reissue the license or
32 registration upon certification by the Committee that the
33 disciplined licensee or registrant has complied with all of
34 the terms and conditions set forth in the final order or has

1 been sufficiently rehabilitated to warrant the public trust.

2 (4) The Department may refuse to issue or may suspend
3 the license or certificate of registration of any person who
4 fails to file a return, or to pay the tax, penalty or
5 interest shown in a filed return, or to pay any final
6 assessment of tax, penalty or interest, as required by any
7 tax Act administered by the Illinois Department of Revenue,
8 until such time as the requirements of any such tax Act are
9 satisfied.

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

18 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)