

1 AN ACT concerning regulation.

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

4 Section 5. The Genetic Counselor Licensing Act is amended
5 by changing Sections 10, 15, 20, 25, 30, 40, 50, 55, 60, 65,
6 75, 85, 95, and 180 and by adding Section 73 as follows:

7 (225 ILCS 135/10)

8 (Section scheduled to be repealed on January 1, 2015)

9 Sec. 10. Definitions. As used in this Act:

10 "ABGC" means the American Board of Genetic Counseling.

11 "ABMG" means the American Board of Medical Genetics.

12 "Active candidate status" is awarded to applicants who have
13 received approval from the ABGC or ABMG to sit for their
14 respective certification examinations.

15 "Department" means the Department of Professional
16 Regulation.

17 "Director" means the Director of Professional Regulation.

18 "Genetic anomaly" means a variation in an individual's DNA
19 that has been shown to confer a genetically influenced disease
20 or predisposition to a genetically influenced disease or makes
21 a person a carrier of such variation. A "carrier" of a genetic
22 anomaly means a person who may or may not have a predisposition
23 or risk of incurring a genetically influenced condition and who
24 is at risk of having offspring with a genetically influenced
25 condition.

26 "Genetic counseling" means the provision of services to
27 individuals, couples, groups, families, and organizations by
28 one or more appropriately trained individuals to address the
29 physical and psychological issues associated with the
30 occurrence or risk of occurrence or recurrence of a genetic
31 disorder, birth defect, disease, or potentially inherited or
32 genetically influenced condition in an individual or a family.

1 "Genetic counseling" consists of the following:

2 (A) Estimating the likelihood of occurrence or
3 recurrence of a birth defect or of any potentially
4 inherited or genetically influenced condition. This
5 assessment may involve:

6 (i) obtaining and analyzing a complete health
7 history of the person and his or her family;

8 (ii) reviewing pertinent medical records;

9 (iii) evaluating the risks from exposure to
10 possible mutagens or teratogens;

11 (iv) recommending genetic testing or other
12 evaluations to diagnose a condition or determine the
13 carrier status of one or more family members;

14 (B) Helping the individual, family, health care
15 provider, or health care professional (i) appreciate the
16 medical, psychological and social implications of a
17 disorder, including its features, variability, usual
18 course and management options, (ii) learn how genetic
19 factors contribute to the disorder and affect the chance
20 for recurrence of the condition in other family members,
21 and (iii) understand available options for coping with,
22 preventing, or reducing the chance of occurrence or
23 recurrence of a condition.

24 (C) Facilitating an individual's or family's (i)
25 exploration of the perception of risk and burden associated
26 with the disorder and (ii) adjustment and adaptation to the
27 condition or their genetic risk by addressing needs for
28 psychological, social, and medical support.

29 "Genetic counselor" means a person licensed under this Act
30 to engage in the practice of genetic counseling.

31 "Person" means an individual, association, partnership, or
32 corporation.

33 "Qualified supervisor" means any person who is a licensed
34 genetic counselor, as defined by rule, or a physician licensed
35 to practice medicine in all its branches. A qualified
36 supervisor may be provided at the applicant's place of work, or

1 may be contracted by the applicant to provide supervision. The
2 qualified supervisor shall file written documentation with ~~to~~
3 the Department of employment, discharge, or supervisory
4 control of a genetic counselor at the time of employment,
5 discharge, or assumption of supervision of a genetic counselor.

6 "Supervision" means review of aspects of genetic
7 counseling and case management in a bimonthly meeting with the
8 person under supervision.

9 (Source: P.A. 93-1041, eff. 9-29-04.)

10 (225 ILCS 135/15)

11 (Section scheduled to be repealed on January 1, 2015)

12 Sec. 15. Exemptions.

13 (a) This Act does not prohibit any persons legally
14 regulated in this State by any other Act from engaging in the
15 practice for which they are authorized as long as they do not
16 represent themselves by the title of "genetic counselor" or
17 "licensed genetic counselor". This Act does not prohibit the
18 practice of nonregulated professions whose practitioners are
19 engaged in the delivery of human services as long as these
20 practitioners do not represent themselves as or use the title
21 of "genetic counselor" or "licensed genetic counselor".

22 (b) Nothing in this Act shall be construed to limit the
23 activities and services of (i) a student, intern, resident, or
24 fellow in genetic counseling or genetics seeking to fulfill
25 educational requirements in order to qualify for a license
26 under this Act if these activities and services constitute a
27 part of the student's supervised course of study or (ii) an
28 individual seeking to fulfill the post-degree experience
29 requirements in order to qualify for licensing under this Act,
30 as long as the activities and services are supervised by a
31 qualified supervisor. A student, intern, resident, or fellow
32 must be designated by the title "intern", "resident", "fellow",
33 or any other designation of trainee status. Nothing contained
34 in this subsection shall be construed to permit students,
35 interns, residents, or fellows to offer their services as

1 genetic counselors or geneticists to any other person and to
2 accept remuneration for such genetic counseling services,
3 except as specifically provided in this subsection or
4 subsection (c).

5 (c) Corporations, partnerships, and associations may
6 employ students, interns, or post-degree candidates seeking to
7 fulfill educational requirements or the professional
8 experience requirements needed to qualify for a license under
9 this Act if their activities and services constitute a part of
10 the student's supervised course of study or post-degree
11 professional experience requirements. Nothing in this
12 subsection shall prohibit a corporation, partnership, or
13 association from contracting with a licensed health care
14 professional to provide services that they are licensed to
15 provide.

16 (d) Nothing in this Act shall prevent the employment, by a
17 genetic counselor, person, association, partnership, or
18 corporation furnishing genetic counseling services for
19 remuneration, of persons not licensed as genetic counselors
20 under this Act to perform services in various capacities as
21 needed, if these persons are not in any manner held out to the
22 public or do not hold themselves out to the public by any title
23 or designation stating or implying that they are genetic
24 counselors.

25 (e) Nothing in this Act shall be construed to limit the
26 services of a person, not licensed under the provisions of this
27 Act, in the employ of a federal, State, county, or municipal
28 agency or other political subdivision or not-for-profit
29 corporation providing human services if (i) the services are a
30 part of the duties in his or her salaried position, (ii) the
31 services are performed solely on behalf of his or her employer,
32 and (iii) that person does not in any manner represent himself
33 or herself as or use the title of "genetic counselor" or
34 "licensed genetic counselor".

35 (f) Duly recognized members of any religious organization
36 shall not be restricted from functioning in their ministerial

1 capacity provided they do not represent themselves as being
2 genetic counselors or as providing genetic counseling.

3 (g) Nothing in this Act shall be construed to require or
4 prohibit any hospital, clinic, home health agency, hospice, or
5 other entity that provides health care to employ or to contract
6 with a person licensed under this Act to provide genetic
7 counseling services.

8 (h) Nothing in this Act shall be construed to prevent any
9 licensed social worker, licensed clinical social worker,
10 licensed clinical psychologist, licensed professional
11 counselor, or licensed clinical professional counselor from
12 practicing professional counseling as long as that person is
13 not in any manner held out to the public as a "genetic
14 counselor" or "licensed genetic counselor" or does not hold out
15 his or her services as being genetic counseling.

16 (i) Nothing in this Act shall be construed to limit the
17 practice of a person not licensed under this Act who is a
18 physician licensed to practice medicine in all of its branches
19 under the Medical Practice Act of 1987 or intern, fellow, or
20 resident from using the title "genetic counselor" or any other
21 title tending to indicate they are a genetic counselor.

22 (j) Nothing in the Act shall prohibit a visiting ABGC or
23 ABMG certified genetic counselor from outside the State working
24 as a consultant, or organizations from outside the State
25 employing ABGC or ABMG certified genetic counselors providing
26 occasional services, who are not licensed under this Act, from
27 engaging in the practice of genetic counseling subject to the
28 stated circumstances and limitations defined by rule.

29 (Source: P.A. 93-1041, eff. 9-29-04.)

30 (225 ILCS 135/20)

31 (Section scheduled to be repealed on January 1, 2015)

32 Sec. 20. Restrictions and limitations.

33 (a) Beginning 12 months after the adoption of the final
34 administrative rules ~~on January 1, 2006~~, except as provided in
35 Section 15, no person shall, without a valid license as a

1 genetic counselor issued by the Department (i) in any manner
2 hold himself or herself out to the public as a genetic
3 counselor under this Act; (ii) use in connection with his or
4 her name or place of business the title "genetic counselor",
5 "licensed genetic counselor", "gene counselor", "genetic
6 consultant", or "genetic associate" or any words, letters,
7 abbreviations, or insignia indicating or implying a person has
8 met the qualifications for or has the license issued under this
9 Act; or (iii) offer to render or render to individuals,
10 corporations, or the public genetic counseling services if the
11 words "genetic counselor" or "licensed genetic counselor" are
12 used to describe the person offering to render or rendering
13 them, or "genetic counseling" is used to describe the services
14 rendered or offered to be rendered.

15 (b) Beginning 12 months after the adoption of the final
16 administrative rules ~~on January 1, 2006~~, no licensed genetic
17 counselor may provide genetic counseling to individuals,
18 couples, groups, or families without a written referral from a
19 physician licensed to practice medicine in all its branches, an
20 advanced practice nurse who has a collaborative agreement with
21 a collaborating physician that authorizes referrals to a
22 genetic counselor, or a physician assistant who has been
23 delegated authority to make referrals to genetic counselors.
24 The physician, advanced practice nurse, or physician assistant
25 shall maintain supervision of the patient and be provided
26 written reports on the services provided by the licensed
27 genetic counselor. Genetic testing shall be ordered by a
28 physician licensed to practice medicine in all its branches.
29 Genetic test reports shall be provided to the referring
30 physician, advanced practice nurse, or physician assistant.
31 General seminars or talks to groups or organizations on genetic
32 counseling that do not include individual, couple, or family
33 specific counseling may be conducted without a referral.

34 (c) Beginning 12 months after the adoption of the final
35 administrative rules ~~on January 1, 2006~~, no association or
36 partnership shall practice genetic counseling unless every

1 member, partner, and employee of the association or partnership
2 who practices genetic counseling or who renders genetic
3 counseling services holds a valid license issued under this
4 Act. No license shall be issued to a corporation, the stated
5 purpose of which includes or which practices or which holds
6 itself out as available to practice genetic counseling, unless
7 it is organized under the Professional Service Corporation Act.

8 (d) Nothing in this Act shall be construed as permitting
9 persons licensed as genetic counselors to engage in any manner
10 in the practice of medicine in all its branches as defined by
11 law in this State.

12 (e) Nothing in this Act shall be construed to authorize a
13 licensed genetic counselor to diagnose, test, or treat any
14 genetic or other disease or condition.

15 (f) When, in the course of providing genetic counseling
16 services to any person, a genetic counselor licensed under this
17 Act finds any indication of a disease or condition that in his
18 or her professional judgment requires professional service
19 outside the scope of practice as defined in this Act, he or she
20 shall refer that person to a physician licensed to practice
21 medicine in all of its branches.

22 (Source: P.A. 93-1041, eff. 9-29-04.)

23 (225 ILCS 135/25)

24 (Section scheduled to be repealed on January 1, 2015)

25 Sec. 25. Unlicensed practice; violation; civil penalty.

26 (a) Beginning 12 months after the adoption of the final
27 administrative rules ~~on January 1, 2006~~, any person who
28 practices, offers to practice, attempts to practice, or holds
29 himself or herself out to practice as a genetic counselor
30 without being licensed or exempt under this Act shall, in
31 addition to any other penalty provided by law, pay a civil
32 penalty to the Department in an amount not to exceed \$5,000 for
33 each offense, as determined by the Department. Civil penalty
34 shall be assessed by the Department after a hearing is held in
35 accordance with the provisions set forth in this Act regarding

1 the provision of a hearing for the discipline of a licensee.

2 (b) The Department may investigate any actual, alleged, or
3 suspected unlicensed activity.

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

9 (Source: P.A. 93-1041, eff. 9-29-04.)

10 (225 ILCS 135/30)

11 (Section scheduled to be repealed on January 1, 2015)

12 Sec. 30. Powers and duties of the Department. Subject to
13 the provisions of this Act, the Department may:

14 (a) authorize examinations to ascertain the qualifications
15 and fitness of applicants for licensing as genetic counselors
16 and pass upon the qualifications of applicants for licensure by
17 endorsement;

18 (b) conduct hearings on proceedings to refuse to issue or
19 renew or to revoke licenses or suspend, place on probation,
20 censure, or reprimand persons licensed under this Act, and to
21 refuse to issue or renew or to revoke licenses, or suspend,
22 place on probation, censure, or reprimand persons licensed
23 under this Act;

24 (c) adopt rules necessary for the administration of this
25 Act; and

26 (d) maintain rosters of the names and addresses of all
27 licensees and all persons whose licenses have been suspended,
28 revoked, or denied ~~renewal for cause within the previous~~
29 ~~calendar year~~. These rosters shall be available upon written
30 request and payment of the required fee.

31 (Source: P.A. 93-1041, eff. 9-29-04.)

32 (225 ILCS 135/40)

33 (Section scheduled to be repealed on January 1, 2015)

34 Sec. 40. Application for original license. Applications

1 for original licenses shall be made to the Department on forms
2 prescribed by the Department and accompanied by the required
3 fee, which is not refundable. All applications shall contain
4 such information that, in the judgment of the Department, will
5 enable the Department to pass on the qualifications of the
6 applicant for a license to practice as a genetic counselor.

7 If an applicant fails to obtain a license under this Act
8 within 3 years after filing his or her application, the
9 application shall be denied. The applicant may make a new
10 application, which shall be accompanied by the required
11 nonrefundable fee. The applicant shall be required to meet the
12 qualifications required for licensure at the time of
13 reapplication.

14 (Source: P.A. 93-1041, eff. 9-29-04.)

15 (225 ILCS 135/50)

16 (Section scheduled to be repealed on January 1, 2015)

17 Sec. 50. Examination; ~~failure or refusal to take~~
18 ~~examination.~~

19 (a) Applicants for genetic counseling licensure must
20 provide evidence that they have successfully completed the
21 certification examination provided by the ABGC or ABMG, if they
22 are master's degree trained genetic counselors, or the ABMG, if
23 they are PhD trained medical geneticists; or successfully
24 completed the examination provided by the successor agencies of
25 the ABGC or ABMG. The examinations shall be of a character to
26 fairly test the competence and qualifications of the applicants
27 to practice genetic counseling.

28 (b) (Blank). ~~If an applicant neglects, fails, or refuses~~
29 ~~to take an examination or fails to pass an examination for a~~
30 ~~license under this Act within 2 exam cycles after receiving a~~
31 ~~temporary license, the application will be denied. However,~~
32 ~~such applicant may thereafter make a new application for~~
33 ~~license only if the applicant provides documentation of passing~~
34 ~~the certification examination offered through the ABGC or ABMG~~
35 ~~or their successor agencies and satisfies the requirements then~~

1 ~~in existence for a license.~~

2 (Source: P.A. 93-1041, eff. 9-29-04.)

3 (225 ILCS 135/55)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 55. Qualifications for licensure. A person shall be
6 qualified for licensure as a genetic counselor and the
7 Department ~~may~~ ~~shall~~ issue a license if that person:

8 (1) has applied in writing in form and substance
9 satisfactory to the Department; is at least 21 years of
10 age;

11 (2) has not engaged in conduct or activities which
12 would constitute grounds for discipline under this Act;

13 (3) (i) has successfully completed a Master's degree in
14 genetic counseling from an ABGC or ABMG accredited training
15 program or an equivalent program approved by the ABGC or
16 (ii) is a physician or (iii) has a doctoral degree and has
17 successfully completed an ABMG accredited medical genetics
18 training program or an equivalent program approved by the
19 ABMG ~~has not violated any of the provisions of Sections 20~~
20 ~~or 25 of this Act or the rules promulgated thereunder. The~~
21 ~~Department may take into consideration any felony~~
22 ~~conviction of the applicant but such conviction shall not~~
23 ~~operate as an absolute bar to licensure;~~

24 (4) has successfully completed an examination provided
25 by the ABGC or its successor, the ABMG or its successor, or
26 a substantially equivalent examination approved by the
27 Department; ~~provided documentation of the successful~~
28 ~~completion of the certification examination and current~~
29 ~~certification provided by the American Board of Genetic~~
30 ~~Counseling or the American Board of Medical Genetics, or~~
31 ~~their successor agencies; and~~

32 (5) has paid the fees required by rule; ~~this Act.~~

33 (6) has met the requirements for certification set
34 forth by the ABGC or its successor or the ABMG or its
35 successor; and

1 (7) has met any other requirements established by rule.
2 (Source: P.A. 93-1041, eff. 9-29-04.)

3 (225 ILCS 135/60)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 60. Temporary letter of authorization to practice
6 licensure. Individuals who (i) have successfully completed an
7 approved genetic counselor program, as determined by rule of
8 the Department, (ii) have made application to the Department,
9 and (iii) have submitted evidence to the Department of
10 admission to a certifying examination administered by the ABGC
11 or its successor or the ABMG or its successor shall be issued a
12 temporary letter of authorization that shall allow the
13 applicant to practice as a genetic counselor until he or she
14 receives certification from the ABGC or its successor or the
15 ABMG or its successor or until 12 months have elapsed,
16 whichever comes first.

17 Under no circumstances may an applicant continue to
18 practice under the temporary letter of authorization after he
19 or she receives notification that he or she has failed the
20 examination. The temporary letter of authorization is not
21 renewable.

22 ~~(a) A person shall be qualified for temporary licensure as~~
23 ~~a genetic counselor and the Department shall issue a temporary~~
24 ~~license if that person:~~

25 ~~(1) has successfully completed a Master's degree in~~
26 ~~genetic counseling from an ABGC or ABMG accredited training~~
27 ~~program or its equivalent as established by the ABGC or is~~
28 ~~a physician or has a doctoral degree and has successfully~~
29 ~~completed an ABMG accredited medical genetics training~~
30 ~~program or its equivalent as established by the ABMG;~~

31 ~~(2) has submitted evidence to the Department of active~~
32 ~~candidate status for the certifying examination~~
33 ~~administered by the ABGC or the ABMG or their successor~~
34 ~~agencies; and~~

35 ~~(3) has made application to the Department and paid the~~

1 ~~required fees.~~

2 ~~(b) A temporary license shall allow the applicant to~~
3 ~~practice under the supervision of a qualified supervisor until~~
4 ~~he or she receives certification from the ABGC or the ABMG or~~
5 ~~their successor agencies or 2 exam cycles have elapsed,~~
6 ~~whichever comes first.~~

7 ~~(c) Under no circumstances shall an applicant continue to~~
8 ~~practice on the temporary license for more than 30 days after~~
9 ~~notification that he or she has not passed the examination~~
10 ~~within 2 exam cycles after receiving the temporary license.~~
11 ~~However, the applicant may thereafter make a new application to~~
12 ~~the Department for a license satisfying the requirements then~~
13 ~~in existence for a license.~~

14 (Source: P.A. 93-1041, eff. 9-29-04.)

15 (225 ILCS 135/65)

16 (Section scheduled to be repealed on January 1, 2015)

17 Sec. 65. Licenses; renewal; restoration; person in
18 military service; inactive status.

19 (a) The expiration date and renewal period for each license
20 issued under this Act shall be set by rule. As a condition of
21 renewal of a license, a licensee must complete continuing
22 education requirements established by rule of the Department
23 ~~The licensee may renew a license during the 30-day period~~
24 ~~preceding its expiration date by paying the required fee and~~
25 ~~demonstrating compliance with continuing education~~
26 ~~requirements established by rule.~~

27 (b) Any person who has permitted a license to expire or who
28 has a license on inactive status may have it restored by
29 submitting an application to the Department and filing proof of
30 fitness, as defined by rule, to have the license restored,
31 including, if appropriate, evidence which is satisfactory to
32 the Department certifying the active practice of genetic
33 counseling in another jurisdiction, and by paying the required
34 fee.

35 (c) If the person has not maintained an active practice in

1 another jurisdiction that is satisfactory to the Department,
2 the Department shall determine the person's fitness to resume
3 active status. The Department may also require the person to
4 complete a specific period of evaluated genetic counseling work
5 experience under the supervision of a qualified ~~clinical~~
6 supervisor and may require demonstration of completion of
7 continuing education requirements.

8 (d) Any person whose license expired while on active duty
9 with the armed forces of the United States, while called into
10 service or training with the State Militia, or while in
11 training or education under the supervision of the United
12 States government prior to induction into military service may
13 have his license restored without paying any renewal fees if,
14 within 2 years after the termination of such service, training,
15 or education, except under conditions other than honorable, the
16 Department is furnished with satisfactory evidence that the
17 person has been so engaged and that such service, training, or
18 education has been so terminated.

19 (e) A license to practice shall not be denied any applicant
20 because of the applicant's race, religion, creed, national
21 origin, political beliefs or activities, age, sex, or physical
22 impairment.

23 (Source: P.A. 93-1041, eff. 9-29-04.)

24 (225 ILCS 135/73 new)

25 (Section scheduled to be repealed on January 1, 2015)

26 Sec. 73. Inactive status. A person who notifies the
27 Department in writing on forms prescribed by the Department may
28 elect to place his or her license on inactive status and shall,
29 subject to rule of the Department, be excused from payment of
30 renewal fees until he or she notifies the Department, in
31 writing, of his or her desire to resume active status.

32 A person requesting restoration from inactive status shall
33 be required to pay the current renewal fee and shall be
34 required to restore his or her license, pursuant to Section 65
35 of this Act.

1 Practice by an individual whose license is on inactive
2 status shall be considered to be the unlicensed practice of
3 genetic counseling and shall be grounds for discipline under
4 this Act.

5 (225 ILCS 135/75)

6 (Section scheduled to be repealed on January 1, 2015)

7 Sec. 75. Fees; deposit of fees. The Department shall, by
8 rule, establish a schedule of fees for the administration and
9 enforcement of this Act, which shall include, but not be
10 limited to, fees for original licensure, license renewal, and
11 license restoration. These fees shall be nonrefundable.

12 All of the fees and fines collected under this Act shall be
13 deposited into the General Professions Dedicated Fund. The
14 moneys deposited into the General Professions Dedicated Fund
15 shall be used by the Department, as appropriate, for the
16 ordinary and contingent expenses of the Department. Moneys in
17 the General Professions Dedicated Fund may be invested and
18 reinvested, with all earnings received from these investments
19 being deposited into that Fund and used for the same purposes
20 as the fees and fines deposited in that Fund.

21 ~~The fees imposed under this Act shall be set by rule and are~~
22 ~~not refundable. All of the fees collected under this Act shall~~
23 ~~be deposited into the General Professions Dedicated Fund.~~

24 (Source: P.A. 93-1041, eff. 9-29-04.)

25 (225 ILCS 135/85)

26 (Section scheduled to be repealed on January 1, 2015)

27 Sec. 85. Endorsement. The Department may issue a license as
28 a genetic counselor, without administering the required
29 examination, to an applicant ~~currently~~ licensed under the laws
30 of another state if the requirements for licensure in that
31 state are, on the date of licensure, substantially equal to the
32 requirements of this Act or to a person who, at the time of his
33 or her application for licensure, possesses individual
34 qualifications that are substantially equivalent to the

1 requirements in force in this State. An applicant under this
2 Section shall pay all of the required fees.

3 An applicant shall have 3 years from the date of
4 application to complete the application process. If the process
5 has not been completed within the 3-year time period, the
6 application shall be denied, the fee shall be forfeited, and
7 the applicant shall be required to reapply and meet the
8 requirements in effect at the time of reapplication ~~or United~~
9 ~~States jurisdiction whose standards, in the opinion of the~~
10 ~~Department, were substantially equivalent at the date of his or~~
11 ~~her licensure in the other jurisdiction to the requirements of~~
12 ~~this Act. Such an applicant shall pay all of the required fees.~~
13 ~~Applicants have 6 months from the date of application to~~
14 ~~complete the application process. If the process has not been~~
15 ~~completed within 6 months, the application shall be denied, the~~
16 ~~fee forfeited, and the applicant must reapply and meet the~~
17 ~~requirements in effect at the time of reapplication.~~

18 (Source: P.A. 93-1041, eff. 9-29-04.)

19 (225 ILCS 135/95)

20 (Section scheduled to be repealed on January 1, 2015)

21 Sec. 95. Grounds for discipline.

22 (a) The Department may refuse to issue, renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary action as the Department deems appropriate,
25 including the issuance of fines not to exceed \$1,000 for each
26 violation, with regard to any license for any one or more of
27 the following:

28 (1) Material misstatement in furnishing information to
29 the Department or to any other State agency.

30 (2) Violations or negligent or intentional disregard
31 of this Act, or any of its rules.

32 (3) Conviction of any crime under the laws of the
33 United States or any state or territory thereof that is a
34 felony, a misdemeanor, an essential element of which is
35 dishonesty, or a crime that is directly related to the

1 practice of the profession.

2 (4) Making any misrepresentation for the purpose of
3 obtaining a license, or violating any provision of this Act
4 or its rules.

5 (5) Professional incompetence or gross negligence in
6 the rendering of genetic counseling services.

7 (6) Gross or repeated negligence.

8 (7) Aiding or assisting another person in violating any
9 provision of this Act or any rules.

10 (8) Failing to provide information within 60 days in
11 response to a written request made by the Department.

12 (9) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public and violating the rules of
15 professional conduct adopted by the Department.

16 (10) Failing to maintain the confidentiality of any
17 information received from a client, unless otherwise
18 authorized or required by law.

19 (11) Exploiting a client for personal advantage,
20 profit, or interest.

21 (12) Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 which results in inability to practice with reasonable
24 skill, judgment, or safety.

25 (13) Discipline by another jurisdiction, if at least
26 one of the grounds for the discipline is the same or
27 substantially equivalent to those set forth in this
28 Section.

29 (14) Directly or indirectly giving to or receiving from
30 any person, firm, corporation, partnership, or association
31 any fee, commission, rebate, or other form of compensation
32 for any professional service not actually rendered.

33 (15) A finding by the Department that the licensee,
34 after having the license placed on probationary status has
35 violated the terms of probation.

36 (16) Failing to refer a client to other health care

1 professionals when the licensee is unable or unwilling to
2 adequately support or serve the client.

3 (17) Willfully filing false reports relating to a
4 licensee's practice, including but not limited to false
5 records filed with federal or State agencies or
6 departments.

7 (18) Willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act.

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

17 (20) Physical or mental disability, including
18 deterioration through the aging process or loss of
19 abilities and skills which results in the inability to
20 practice the profession with reasonable judgment, skill,
21 or safety.

22 (21) Solicitation of professional services by using
23 false or misleading advertising.

24 (22) Failure to file a return, or to pay the tax,
25 penalty of interest shown in a filed return, or to pay any
26 final assessment of tax, penalty or interest, as required
27 by any tax Act administered by the Illinois Department of
28 Revenue or any successor agency or the Internal Revenue
29 Service or any successor agency.

30 (23) A finding that licensure has been applied for or
31 obtained by fraudulent means.

32 (24) Practicing or attempting to practice under a name
33 other than the full name as shown on the license or any
34 other legally authorized name.

35 (25) Gross overcharging for professional services,
36 including filing statements for collection of fees or

1 monies for which services are not rendered.

2 (26) Providing genetic counseling services to
3 individuals, couples, groups, or families without a
4 written referral from either a physician licensed to
5 practice medicine in all its branches, an advanced practice
6 nurse who has a collaborative agreement with a
7 collaborating physician that authorizes the advanced
8 practice nurse to make referrals to a genetic counselor, or
9 a physician assistant who has been delegated authority to
10 make referrals to genetic counselors.

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

18 (c) The determination by a court that a licensee is subject
19 to involuntary admission or judicial admission as provided in
20 the Mental Health and Developmental Disabilities Code will
21 result in an automatic suspension of his or her license. The
22 suspension will end upon a finding by a court that the licensee
23 is no longer subject to involuntary admission or judicial
24 admission, the issuance of an order so finding and discharging
25 the patient, and the determination of the Director that the
26 licensee be allowed to resume professional practice.

27 (Source: P.A. 93-1041, eff. 9-29-04.)

28 (225 ILCS 135/180)

29 (Section scheduled to be repealed on January 1, 2015)

30 Sec. 180. Administrative Procedure Act; application. The
31 Illinois Administrative Procedure Act is hereby expressly
32 adopted and incorporated in this Act as if all of the
33 provisions of such Act were included in this Act, except that
34 the provision of paragraph (d) of the Section 10-65 of the
35 Illinois Administrative Procedure Act, which provides that at

1 hearings the license holder has the right to show compliance
2 with all lawful requirements for retention, continuation, or
3 renewal of the certificate, is specifically excluded. For the
4 purpose of this Act the notice required under Section 10-25 of
5 the Illinois Administrative Procedure Act is deemed sufficient
6 when mailed to the last known address of a party.

7 (Source: P.A. 93-1041, eff. 9-29-04.)

8 (225 ILCS 135/70 rep.)

9 Section 90. The Genetic Counselor Licensing Act is amended
10 by repealing Section 70.