

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8 (Section scheduled to be repealed on January 1, 2015)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,
27 pursuant to a referral, to individuals, couples, groups,
28 families, and organizations by one or more appropriately
29 trained individuals to address the physical and psychological
30 issues associated with the occurrence or risk of occurrence or
31 recurrence of a genetic disorder, birth defect, disease, or
32 potentially inherited or genetically influenced condition in

1 an individual or a family. "Genetic counseling" consists of the
2 following:

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

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

9 (ii) reviewing pertinent medical records;

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

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

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

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

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

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

34 "Qualified supervisor" means any person who is a licensed
35 genetic counselor, as defined by rule, or a physician licensed
36 to practice medicine in all its branches. A qualified

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

7 "Referral" means a written or telecommunicated
8 authorization for genetic counseling services from a physician
9 licensed to practice medicine in all its branches, an advanced
10 practice nurse who has a collaborative agreement with a
11 collaborating physician that authorizes referrals to a genetic
12 counselor, or a physician assistant who has been delegated
13 authority to make referrals to genetic counselors.

14 "Supervision" means review of aspects of genetic
15 counseling and case management in a bimonthly meeting with the
16 person under supervision.

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

18 (225 ILCS 135/15)

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

20 Sec. 15. Exemptions.

21 (a) This Act does not prohibit any persons legally
22 regulated in this State by any other Act from engaging in the
23 practice for which they are authorized as long as they do not
24 represent themselves by the title of "genetic counselor" or
25 "licensed genetic counselor". This Act does not prohibit the
26 practice of nonregulated professions whose practitioners are
27 engaged in the delivery of human services as long as these
28 practitioners do not represent themselves as or use the title
29 of "genetic counselor" or "licensed genetic counselor".

30 (b) Nothing in this Act shall be construed to limit the
31 activities and services of (i) a student, intern, resident, or
32 fellow in genetic counseling or genetics seeking to fulfill
33 educational requirements in order to qualify for a license
34 under this Act if these activities and services constitute a
35 part of the student's supervised course of study or (ii) an

1 individual seeking to fulfill the post-degree experience
2 requirements in order to qualify for licensing under this Act,
3 as long as the activities and services are supervised by a
4 qualified supervisor. A student, intern, resident, or fellow
5 must be designated by the title "intern", "resident", "fellow",
6 or any other designation of trainee status. Nothing contained
7 in this subsection shall be construed to permit students,
8 interns, residents, or fellows to offer their services as
9 genetic counselors or geneticists to any other person and to
10 accept remuneration for such genetic counseling services,
11 except as specifically provided in this subsection or
12 subsection (c).

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

24 (d) Nothing in this Act shall prevent the employment, by a
25 genetic counselor, person, association, partnership, or
26 corporation furnishing genetic counseling services for
27 remuneration, of persons not licensed as genetic counselors
28 under this Act to perform services in various capacities as
29 needed, if these persons are not in any manner held out to the
30 public or do not hold themselves out to the public by any title
31 or designation stating or implying that they are genetic
32 counselors.

33 (e) Nothing in this Act shall be construed to limit the
34 services of a person, not licensed under the provisions of this
35 Act, in the employ of a federal, State, county, or municipal
36 agency or other political subdivision or not-for-profit

1 corporation providing human services if (i) the services are a
2 part of the duties in his or her salaried position, (ii) the
3 services are performed solely on behalf of his or her employer,
4 and (iii) that person does not in any manner represent himself
5 or herself as or use the title of "genetic counselor" or
6 "licensed genetic counselor".

7 (f) Duly recognized members of any religious organization
8 shall not be restricted from functioning in their ministerial
9 capacity provided they do not represent themselves as being
10 genetic counselors or as providing genetic counseling.

11 (g) Nothing in this Act shall be construed to require or
12 prohibit any hospital, clinic, home health agency, hospice, or
13 other entity that provides health care to employ or to contract
14 with a person licensed under this Act to provide genetic
15 counseling services.

16 (h) Nothing in this Act shall be construed to prevent any
17 licensed social worker, licensed clinical social worker,
18 licensed clinical psychologist, licensed professional
19 counselor, or licensed clinical professional counselor from
20 practicing professional counseling as long as that person is
21 not in any manner held out to the public as a "genetic
22 counselor" or "licensed genetic counselor" or does not hold out
23 his or her services as being genetic counseling.

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

30 (j) Nothing in the Act shall prohibit a visiting ABGC or
31 ABMG certified genetic counselor from outside the State working
32 as a consultant, or organizations from outside the State
33 employing ABGC or ABMG certified genetic counselors providing
34 occasional services, who are not licensed under this Act, from
35 engaging in the practice of genetic counseling subject to the
36 stated circumstances and limitations defined by rule.

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

2 (225 ILCS 135/20)

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

4 Sec. 20. Restrictions and limitations.

5 (a) Beginning 12 months after the adoption of the final
6 administrative rules ~~on January 1, 2006~~, except as provided in
7 Section 15, no person shall, without a valid license as a
8 genetic counselor issued by the Department (i) in any manner
9 hold himself or herself out to the public as a genetic
10 counselor under this Act; (ii) use in connection with his or
11 her name or place of business the title "genetic counselor",
12 "licensed genetic counselor", "gene counselor", "genetic
13 consultant", or "genetic associate" or any words, letters,
14 abbreviations, or insignia indicating or implying a person has
15 met the qualifications for or has the license issued under this
16 Act; or (iii) offer to render or render to individuals,
17 corporations, or the public genetic counseling services if the
18 words "genetic counselor" or "licensed genetic counselor" are
19 used to describe the person offering to render or rendering
20 them, or "genetic counseling" is used to describe the services
21 rendered or offered to be rendered.

22 (b) Beginning 12 months after the adoption of the final
23 administrative rules ~~on January 1, 2006~~, no licensed genetic
24 counselor may provide genetic counseling to individuals,
25 couples, groups, or families without a ~~written~~ referral from a
26 physician licensed to practice medicine in all its branches, an
27 advanced practice nurse who has a collaborative agreement with
28 a collaborating physician that authorizes referrals to a
29 genetic counselor, or a physician assistant who has been
30 delegated authority to make referrals to genetic counselors.
31 The physician, advanced practice nurse, or physician assistant
32 shall maintain supervision of the patient and be provided
33 written reports on the services provided by the licensed
34 genetic counselor. Genetic testing shall be ordered by a
35 physician licensed to practice medicine in all its branches.

1 Genetic test reports shall be provided to the referring
2 physician, advanced practice nurse, or physician assistant.
3 General seminars or talks to groups or organizations on genetic
4 counseling that do not include individual, couple, or family
5 specific counseling may be conducted without a referral. In
6 clinical settings, genetic counselors who serve as a liaison
7 between family members of a patient and a genetic research
8 project, may, with the consent of the patient, provide
9 information to family members for the purpose of gathering
10 additional information, as it relates to the patient, without a
11 referral. In non-clinical settings where no patient is being
12 treated, genetic counselors who serve as a liaison between a
13 genetic research project and participants in that genetic
14 research project may provide information to the participants,
15 without a referral.

16 (c) Beginning 12 months after the adoption of the final
17 administrative rules ~~on January 1, 2006~~, no association or
18 partnership shall practice genetic counseling unless every
19 member, partner, and employee of the association or partnership
20 who practices genetic counseling or who renders genetic
21 counseling services holds a valid license issued under this
22 Act. No license shall be issued to a corporation, the stated
23 purpose of which includes or which practices or which holds
24 itself out as available to practice genetic counseling, unless
25 it is organized under the Professional Service Corporation Act.

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

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

33 (f) When, in the course of providing genetic counseling
34 services to any person, a genetic counselor licensed under this
35 Act finds any indication of a disease or condition that in his
36 or her professional judgment requires professional service

1 outside the scope of practice as defined in this Act, he or she
2 shall refer that person to a physician licensed to practice
3 medicine in all of its branches.

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

5 (225 ILCS 135/25)

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

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

8 (a) Beginning 12 months after the adoption of the final
9 administrative rules ~~on January 1, 2006~~, any person who
10 practices, offers to practice, attempts to practice, or holds
11 himself or herself out to practice as a genetic counselor
12 without being licensed or exempt under this Act shall, in
13 addition to any other penalty provided by law, pay a civil
14 penalty to the Department in an amount not to exceed \$5,000 for
15 each offense, as determined by the Department. Civil penalty
16 shall be assessed by the Department after a hearing is held in
17 accordance with the provisions set forth in this Act regarding
18 the provision of a hearing for the discipline of a licensee.

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

21 (c) The civil penalty shall be paid within 60 days after
22 the effective date of the order imposing the civil penalty. The
23 order shall constitute a final judgment and may be filed and
24 execution had thereon in the same manner as any judgment from
25 any court of record.

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

27 (225 ILCS 135/30)

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

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

31 (a) authorize examinations to ascertain the qualifications
32 and fitness of applicants for licensing as genetic counselors
33 and pass upon the qualifications of applicants for licensure by
34 endorsement;

1 (b) conduct hearings on proceedings to refuse to issue or
2 renew or to revoke licenses or suspend, place on probation,
3 censure, or reprimand persons licensed under this Act, and to
4 refuse to issue or renew or to revoke licenses, or suspend,
5 place on probation, censure, or reprimand persons licensed
6 under this Act;

7 (c) adopt rules necessary for the administration of this
8 Act; and

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

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

15 (225 ILCS 135/40)

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

17 Sec. 40. Application for original license. Applications
18 for original licenses shall be made to the Department on forms
19 prescribed by the Department and accompanied by the required
20 fee, which is not refundable. All applications shall contain
21 such information that, in the judgment of the Department, will
22 enable the Department to pass on the qualifications of the
23 applicant for a license to practice as a genetic counselor.

24 If an applicant fails to obtain a license under this Act
25 within 3 years after filing his or her application, the
26 application shall be denied. The applicant may make a new
27 application, which shall be accompanied by the required
28 nonrefundable fee. The applicant shall be required to meet the
29 qualifications required for licensure at the time of
30 reapplication.

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

32 (225 ILCS 135/50)

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

34 Sec. 50. Examination; ~~failure or refusal to take~~

1 ~~examination.~~

2 (a) Applicants for genetic counseling licensure must
3 provide evidence that they have successfully completed the
4 certification examination provided by the ABGC or ABMG, if they
5 are master's degree trained genetic counselors, or the ABMG, if
6 they are PhD trained medical geneticists; or successfully
7 completed the examination provided by the successor agencies of
8 the ABGC or ABMG. The examinations shall be of a character to
9 fairly test the competence and qualifications of the applicants
10 to practice genetic counseling.

11 (b) ~~(Blank). If an applicant neglects, fails, or refuses~~
12 ~~to take an examination or fails to pass an examination for a~~
13 ~~license under this Act within 2 exam cycles after receiving a~~
14 ~~temporary license, the application will be denied. However,~~
15 ~~such applicant may thereafter make a new application for~~
16 ~~license only if the applicant provides documentation of passing~~
17 ~~the certification examination offered through the ABGC or ABMG~~
18 ~~or their successor agencies and satisfies the requirements then~~
19 ~~in existence for a license.~~

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

21 (225 ILCS 135/55)

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

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

26 (1) has applied in writing in form and substance
27 satisfactory to the Department; is at least 21 years of
28 age;

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

31 (3) (i) has successfully completed a Master's degree in
32 genetic counseling from an ABGC or ABMG accredited training
33 program or an equivalent program approved by the ABGC or
34 the ABMG or (ii) is a physician licensed to practice
35 medicine in all its branches or (iii) has a doctoral degree

1 and has successfully completed an ABMG accredited medical
2 genetics training program or an equivalent program
3 approved by the ABMG ~~has not violated any of the provisions~~
4 ~~of Sections 20 or 25 of this Act or the rules promulgated~~
5 ~~thereunder. The Department may take into consideration any~~
6 ~~felony conviction of the applicant but such conviction~~
7 ~~shall not operate as an absolute bar to licensure;~~

8 (4) has successfully completed an examination provided
9 by the ABGC or its successor, the ABMG or its successor, or
10 a substantially equivalent examination approved by the
11 Department; ~~provided documentation of the successful~~
12 ~~completion of the certification examination and current~~
13 ~~certification provided by the American Board of Genetic~~
14 ~~Counseling or the American Board of Medical Genetics, or~~
15 ~~their successor agencies; and~~

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

17 (6) has met the requirements for certification set
18 forth by the ABGC or its successor or the ABMG or its
19 successor; and

20 (7) has met any other requirements established by rule.

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

22 (225 ILCS 135/60)

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

24 Sec. 60. Temporary licensure. A temporary license may be
25 issued to an individual who has made application to the
26 Department, has submitted evidence to the Department of
27 admission to the certifying examination administered by the
28 ABGC or the ABMG or either of its successor agencies, has met
29 all of the requirements for licensure in accordance with
30 Section 55 of this Act, except the examination requirement of
31 item (4) of Section 55 of this Act, and has met any other
32 condition established by rule. The holder of a temporary
33 license shall practice only under the supervision of a
34 qualified supervisor.

35 ~~(a) A person shall be qualified for temporary licensure as~~

1 ~~a genetic counselor and the Department shall issue a temporary~~
2 ~~license if that person:~~

3 ~~(1) has successfully completed a Master's degree in~~
4 ~~genetic counseling from an ABGC or ABMG accredited training~~
5 ~~program or its equivalent as established by the ABGC or is~~
6 ~~a physician or has a doctoral degree and has successfully~~
7 ~~completed an ABMG accredited medical genetics training~~
8 ~~program or its equivalent as established by the ABMG;~~

9 ~~(2) has submitted evidence to the Department of active~~
10 ~~candidate status for the certifying examination~~
11 ~~administered by the ABGC or the ABMG or their successor~~
12 ~~agencies; and~~

13 ~~(3) has made application to the Department and paid the~~
14 ~~required fees.~~

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

20 ~~(c) Under no circumstances shall an applicant continue to~~
21 ~~practice on the temporary license for more than 30 days after~~
22 ~~notification that he or she has not passed the examination~~
23 ~~within 2 exam cycles after receiving the temporary license.~~
24 ~~However, the applicant may thereafter make a new application to~~
25 ~~the Department for a license satisfying the requirements then~~
26 ~~in existence for a license.~~

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

28 (225 ILCS 135/65)

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

30 Sec. 65. Licenses; renewal; restoration; person in
31 military service; inactive status.

32 (a) The expiration date and renewal period for each license
33 issued under this Act shall be set by rule. As a condition of
34 renewal of a license, a licensee must complete continuing
35 education requirements established by rule of the Department

1 ~~The licensee may renew a license during the 30-day period~~
2 ~~preceding its expiration date by paying the required fee and~~
3 ~~demonstrating compliance with continuing education~~
4 ~~requirements established by rule.~~

5 (b) Any person who has permitted a license to expire or who
6 has a license on inactive status may have it restored by
7 submitting an application to the Department and filing proof of
8 fitness, as defined by rule, to have the license restored,
9 including, if appropriate, evidence which is satisfactory to
10 the Department certifying the active practice of genetic
11 counseling in another jurisdiction, and by paying the required
12 fee.

13 (c) If the person has not maintained an active practice in
14 another jurisdiction that is satisfactory to the Department,
15 the Department shall determine the person's fitness to resume
16 active status. The Department may also require the person to
17 complete a specific period of evaluated genetic counseling work
18 experience under the supervision of a qualified ~~clinical~~
19 supervisor and may require demonstration of completion of
20 continuing education requirements.

21 (d) Any person whose license expired while on active duty
22 with the armed forces of the United States, while called into
23 service or training with the State Militia, or while in
24 training or education under the supervision of the United
25 States government prior to induction into military service may
26 have his license restored without paying any renewal fees if,
27 within 2 years after the termination of such service, training,
28 or education, except under conditions other than honorable, the
29 Department is furnished with satisfactory evidence that the
30 person has been so engaged and that such service, training, or
31 education has been so terminated.

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

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

1 (225 ILCS 135/73 new)

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

3 Sec. 73. Inactive status. A person who notifies the
4 Department in writing on forms prescribed by the Department may
5 elect to place his or her license on inactive status and shall,
6 subject to rule of the Department, be excused from payment of
7 renewal fees until he or she notifies the Department, in
8 writing, of his or her desire to resume active status.

9 A person requesting restoration from inactive status shall
10 be required to pay the current renewal fee and shall be
11 required to restore his or her license, pursuant to Section 65
12 of this Act.

13 Practice by an individual whose license is on inactive
14 status shall be considered to be the unlicensed practice of
15 genetic counseling and shall be grounds for discipline under
16 this Act.

17 (225 ILCS 135/75)

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

19 Sec. 75. Fees; deposit of fees. The Department shall, by
20 rule, establish a schedule of fees for the administration and
21 enforcement of this Act. These fees shall be nonrefundable.

22 All of the fees and fines collected under this Act shall be
23 deposited into the General Professions Dedicated Fund. The
24 moneys deposited into the General Professions Dedicated Fund
25 shall be used by the Department, as appropriate, for the
26 ordinary and contingent expenses of the Department. Moneys in
27 the General Professions Dedicated Fund may be invested and
28 reinvested, with all earnings received from these investments
29 being deposited into that Fund and used for the same purposes
30 as the fees and fines deposited in that Fund.

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

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

1 (225 ILCS 135/85)

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

3 Sec. 85. Endorsement. The Department may issue a license as
4 a genetic counselor, without administering the required
5 examination, to an applicant ~~currently~~ licensed under the laws
6 of another state, a U.S. territory, or another country if the
7 requirements for licensure in that state, U.S. territory, or
8 country are, on the date of licensure, substantially equal to
9 the requirements of this Act or to a person who, at the time of
10 his or her application for licensure, possesses individual
11 qualifications that are substantially equivalent to the
12 requirements of this Act. An applicant under this Section shall
13 pay all of the required fees.

14 An applicant shall have 3 years from the date of
15 application to complete the application process. If the process
16 has not been completed within the 3-year time period, the
17 application shall be denied, the fee shall be forfeited, and
18 the applicant shall be required to reapply and meet the
19 requirements in effect at the time of reapplication ~~or United~~
20 ~~States jurisdiction whose standards, in the opinion of the~~
21 ~~Department, were substantially equivalent at the date of his or~~
22 ~~her licensure in the other jurisdiction to the requirements of~~
23 ~~this Act. Such an applicant shall pay all of the required fees.~~
24 ~~Applicants have 6 months from the date of application to~~
25 ~~complete the application process. If the process has not been~~
26 ~~completed within 6 months, the application shall be denied, the~~
27 ~~fee forfeited, and the applicant must reapply and meet the~~
28 ~~requirements in effect at the time of reapplication.~~

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

30 (225 ILCS 135/95)

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

32 Sec. 95. Grounds for discipline.

33 (a) The Department may refuse to issue, renew, or may
34 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary action as the Department deems appropriate,
2 including the issuance of fines not to exceed \$1,000 for each
3 violation, with regard to any license for any one or more of
4 the following:

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

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

9 (3) Conviction of any crime under the laws of the
10 United States or any state or territory thereof that is a
11 felony, a misdemeanor, an essential element of which is
12 dishonesty, or a crime that is directly related to the
13 practice of the profession.

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

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

19 (6) Gross or repeated negligence.

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

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

24 (9) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public and violating the rules of
27 professional conduct adopted by the Department.

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

31 (11) Exploiting a client for personal advantage,
32 profit, or interest.

33 (12) Habitual or excessive use or addiction to alcohol,
34 narcotics, stimulants, or any other chemical agent or drug
35 which results in inability to practice with reasonable
36 skill, judgment, or safety.

1 (13) Discipline by another jurisdiction, if at least
2 one of the grounds for the discipline is the same or
3 substantially equivalent to those set forth in this
4 Section.

5 (14) Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate, or other form of compensation
8 for any professional service not actually rendered.

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

12 (16) Failing to refer a client to other health care
13 professionals when the licensee is unable or unwilling to
14 adequately support or serve the client.

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

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

22 (19) Being named as a perpetrator in an indicated
23 report by the Department of Children and Family Services
24 pursuant to the Abused and Neglected Child Reporting Act,
25 and upon proof by clear and convincing evidence that the
26 licensee has caused a child to be an abused child or
27 neglected child as defined in the Abused and Neglected
28 Child Reporting Act.

29 (20) Physical or mental disability, including
30 deterioration through the aging process or loss of
31 abilities and skills which results in the inability to
32 practice the profession with reasonable judgment, skill,
33 or safety.

34 (21) Solicitation of professional services by using
35 false or misleading advertising.

36 (22) Failure to file a return, or to pay the tax,

1 penalty of interest shown in a filed return, or to pay any
2 final assessment of tax, penalty or interest, as required
3 by any tax Act administered by the Illinois Department of
4 Revenue or any successor agency or the Internal Revenue
5 Service or any successor agency.

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

8 (24) Practicing or attempting to practice under a name
9 other than the full name as shown on the license or any
10 other legally authorized name.

11 (25) Gross overcharging for professional services,
12 including filing statements for collection of fees or
13 monies for which services are not rendered.

14 (26) Providing genetic counseling services to
15 individuals, couples, groups, or families without a
16 referral from either a physician licensed to practice
17 medicine in all its branches, an advanced practice nurse
18 who has a collaborative agreement with a collaborating
19 physician that authorizes the advanced practice nurse to
20 make referrals to a genetic counselor, or a physician
21 assistant who has been delegated authority to make
22 referrals to genetic counselors.

23 (b) The Department shall deny, without hearing, any
24 application or renewal for a license under this Act to any
25 person who has defaulted on an educational loan guaranteed by
26 the Illinois State Assistance Commission; however, the
27 Department may issue a license or renewal if the person in
28 default has established a satisfactory repayment record as
29 determined by the Illinois Student Assistance Commission.

30 (c) The determination by a court that a licensee is subject
31 to involuntary admission or judicial admission as provided in
32 the Mental Health and Developmental Disabilities Code will
33 result in an automatic suspension of his or her license. The
34 suspension will end upon a finding by a court that the licensee
35 is no longer subject to involuntary admission or judicial
36 admission, the issuance of an order so finding and discharging

1 the patient, and the determination of the Director that the
2 licensee be allowed to resume professional practice.

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

4 (225 ILCS 135/180)

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

6 Sec. 180. Administrative Procedure Act; application. The
7 Illinois Administrative Procedure Act is hereby expressly
8 adopted and incorporated in this Act as if all of the
9 provisions of such Act were included in this Act, except that
10 the provision of paragraph (d) of Section 10-65 of the Illinois
11 Administrative Procedure Act, which provides that at hearings
12 the license holder has the right to show compliance with all
13 lawful requirements for retention, continuation, or renewal of
14 the certificate, is specifically excluded. For the purpose of
15 this Act the notice required under Section 10-25 of the
16 Illinois Administrative Procedure Act is deemed sufficient
17 when mailed to the last known address of a party.

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

19 (225 ILCS 135/70 rep.)

20 Section 90. The Genetic Counselor Licensing Act is amended
21 by repealing Section 70.