



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1973

by Rep. Dan Reitz

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-207 new  
410 ILCS 517/51 new

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that any licensee disciplined under a licensure Act administered by the Division of Professional Regulation for an offense relating to the failure to pay taxes, child support, or student loans or relating to continuing education or advertising may file a petition with the Department on forms provided by the Department, along with the required fee of \$200, to have the records of that offense removed from public view on the Department's website if certain conditions are met. Provides that nothing shall prohibit the Department from using a previous discipline for any regulatory purpose or from releasing records of a previous discipline upon request from law enforcement, other governmental body, or the public. Provides that removal of records of a disciplinary offense from the Department's website shall not be considered a vacating or expunging of the offense from the licensee's disciplinary record. Effective immediately.

LRB097 09421 CEL 49556 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

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

7 (20 ILCS 2105/2105-207 new)

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

9 (a) Any licensee subject to a licensing Act administered by  
10 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 \$200, to have the  
14 records classified as confidential, not for public release and  
15 considered expunged for reporting purposes if:

16 (1) the application is submitted more than 7 years  
17 after the disciplinary offense occurred;

18 (2) the licensee has had no incidents of discipline  
19 under the licensing Act since the disciplinary offense  
20 identified in the application occurred;

21 (3) the Department has no pending investigations  
22 against the licensee; and

23 (4) the licensee is not currently in a disciplinary

1 status.

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

5 (1) failure to pay taxes, child support, or student  
6 loans;

7 (2) continuing education;

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

9 (4) failure to obtain or renew a certificate of  
10 registration or ancillary license;

11 (5) advertising; or

12 (6) any grounds for discipline removed from the  
13 licensing Act.

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

1           Section 10. The Health Care Professional Credentials Data  
2 Collection Act is amended by adding Section 51 as follows:

3           (410 ILCS 517/51 new)

4           Sec. 51. Licensure records. Licensure records designated  
5 confidential and considered expunged for reporting purposes by  
6 the licensee under Section 2105-207 of the Civil Administrative  
7 Code are not reportable under this Act.

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.