



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4593

by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15  
20 ILCS 2105/2105-17 new

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides the Department of Financial and Professional Regulation with the authority to grant volunteer licenses to licensed health care professionals. Defines "volunteer practice" and provides that a health care professional practicing under a volunteer license shall engage only in volunteer practice. Further provides that a volunteer license shall be granted in accordance with the requirements of the licensing Act that applies to the health care professional's given field of health care practice and that the licensure fee shall be waived.

LRB098 15183 ZMM 50164 b

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  
6 changing Section 2105-15 and by adding Section 2105-17 as  
7 follows:

8 (20 ILCS 2105/2105-15)

9 Sec. 2105-15. General powers and duties.

10 (a) The Department has, subject to the provisions of the  
11 Civil Administrative Code of Illinois, the following powers and  
12 duties:

13 (1) To authorize examinations in English to ascertain  
14 the qualifications and fitness of applicants to exercise  
15 the profession, trade, or occupation for which the  
16 examination is held.

17 (2) To prescribe rules and regulations for a fair and  
18 wholly impartial method of examination of candidates to  
19 exercise the respective professions, trades, or  
20 occupations.

21 (3) To pass upon the qualifications of applicants for  
22 licenses, certificates, and authorities, whether by  
23 examination, by reciprocity, or by endorsement.

1           (4) To prescribe rules and regulations defining, for  
2           the respective professions, trades, and occupations, what  
3           shall constitute a school, college, or university, or  
4           department of a university, or other institution,  
5           reputable and in good standing, and to determine the  
6           reputability and good standing of a school, college, or  
7           university, or department of a university, or other  
8           institution, reputable and in good standing, by reference  
9           to a compliance with those rules and regulations; provided,  
10          that no school, college, or university, or department of a  
11          university, or other institution that refuses admittance  
12          to applicants solely on account of race, color, creed, sex,  
13          or national origin shall be considered reputable and in  
14          good standing.

15          (5) To conduct hearings on proceedings to revoke,  
16          suspend, refuse to renew, place on probationary status, or  
17          take other disciplinary action as authorized in any  
18          licensing Act administered by the Department with regard to  
19          licenses, certificates, or authorities of persons  
20          exercising the respective professions, trades, or  
21          occupations and to revoke, suspend, refuse to renew, place  
22          on probationary status, or take other disciplinary action  
23          as authorized in any licensing Act administered by the  
24          Department with regard to those licenses, certificates, or  
25          authorities. The Department shall issue a monthly  
26          disciplinary report. The Department shall deny any license

1 or renewal authorized by the Civil Administrative Code of  
2 Illinois to any person who has defaulted on an educational  
3 loan or scholarship provided by or guaranteed by the  
4 Illinois Student Assistance Commission or any governmental  
5 agency of this State; however, the Department may issue a  
6 license or renewal if the aforementioned persons have  
7 established a satisfactory repayment record as determined  
8 by the Illinois Student Assistance Commission or other  
9 appropriate governmental agency of this State.  
10 Additionally, beginning June 1, 1996, any license issued by  
11 the Department may be suspended or revoked if the  
12 Department, after the opportunity for a hearing under the  
13 appropriate licensing Act, finds that the licensee has  
14 failed to make satisfactory repayment to the Illinois  
15 Student Assistance Commission for a delinquent or  
16 defaulted loan. For the purposes of this Section,  
17 "satisfactory repayment record" shall be defined by rule.  
18 The Department shall refuse to issue or renew a license to,  
19 or shall suspend or revoke a license of, any person who,  
20 after receiving notice, fails to comply with a subpoena or  
21 warrant relating to a paternity or child support  
22 proceeding. However, the Department may issue a license or  
23 renewal upon compliance with the subpoena or warrant.

24 The Department, without further process or hearings,  
25 shall revoke, suspend, or deny any license or renewal  
26 authorized by the Civil Administrative Code of Illinois to

1 a person who is certified by the Department of Healthcare  
2 and Family Services (formerly Illinois Department of  
3 Public Aid) as being more than 30 days delinquent in  
4 complying with a child support order or who is certified by  
5 a court as being in violation of the Non-Support Punishment  
6 Act for more than 60 days. The Department may, however,  
7 issue a license or renewal if the person has established a  
8 satisfactory repayment record as determined by the  
9 Department of Healthcare and Family Services (formerly  
10 Illinois Department of Public Aid) or if the person is  
11 determined by the court to be in compliance with the  
12 Non-Support Punishment Act. The Department may implement  
13 this paragraph as added by Public Act 89-6 through the use  
14 of emergency rules in accordance with Section 5-45 of the  
15 Illinois Administrative Procedure Act. For purposes of the  
16 Illinois Administrative Procedure Act, the adoption of  
17 rules to implement this paragraph shall be considered an  
18 emergency and necessary for the public interest, safety,  
19 and welfare.

20 (6) To transfer jurisdiction of any realty under the  
21 control of the Department to any other department of the  
22 State Government or to acquire or accept federal lands when  
23 the transfer, acquisition, or acceptance is advantageous  
24 to the State and is approved in writing by the Governor.

25 (7) To formulate rules and regulations necessary for  
26 the enforcement of any Act administered by the Department.

1           (8) To exchange with the Department of Healthcare and  
2           Family Services information that may be necessary for the  
3           enforcement of child support orders entered pursuant to the  
4           Illinois Public Aid Code, the Illinois Marriage and  
5           Dissolution of Marriage Act, the Non-Support of Spouse and  
6           Children Act, the Non-Support Punishment Act, the Revised  
7           Uniform Reciprocal Enforcement of Support Act, the Uniform  
8           Interstate Family Support Act, or the Illinois Parentage  
9           Act of 1984. Notwithstanding any provisions in this Code to  
10          the contrary, the Department of Professional Regulation  
11          shall not be liable under any federal or State law to any  
12          person for any disclosure of information to the Department  
13          of Healthcare and Family Services (formerly Illinois  
14          Department of Public Aid) under this paragraph (8) or for  
15          any other action taken in good faith to comply with the  
16          requirements of this paragraph (8).

17          (9) To perform other duties prescribed by law.

18          (a-5) Except in cases involving default on an educational  
19          loan or scholarship provided by or guaranteed by the Illinois  
20          Student Assistance Commission or any governmental agency of  
21          this State or in cases involving delinquency in complying with  
22          a child support order or violation of the Non-Support  
23          Punishment Act, no person or entity whose license, certificate,  
24          or authority has been revoked as authorized in any licensing  
25          Act administered by the Department may apply for restoration of  
26          that license, certification, or authority until 3 years after

1 the effective date of the revocation.

2 (b) The Department may, when a fee is payable to the  
3 Department for a wall certificate of registration provided by  
4 the Department of Central Management Services, require that  
5 portion of the payment for printing and distribution costs be  
6 made directly or through the Department to the Department of  
7 Central Management Services for deposit into the Paper and  
8 Printing Revolving Fund. The remainder shall be deposited into  
9 the General Revenue Fund.

10 (c) For the purpose of securing and preparing evidence, and  
11 for the purchase of controlled substances, professional  
12 services, and equipment necessary for enforcement activities,  
13 recoupment of investigative costs, and other activities  
14 directed at suppressing the misuse and abuse of controlled  
15 substances, including those activities set forth in Sections  
16 504 and 508 of the Illinois Controlled Substances Act, the  
17 Director and agents appointed and authorized by the Director  
18 may expend sums from the Professional Regulation Evidence Fund  
19 that the Director deems necessary from the amounts appropriated  
20 for that purpose. Those sums may be advanced to the agent when  
21 the Director deems that procedure to be in the public interest.  
22 Sums for the purchase of controlled substances, professional  
23 services, and equipment necessary for enforcement activities  
24 and other activities as set forth in this Section shall be  
25 advanced to the agent who is to make the purchase from the  
26 Professional Regulation Evidence Fund on vouchers signed by the

1 Director. The Director and those agents are authorized to  
2 maintain one or more commercial checking accounts with any  
3 State banking corporation or corporations organized under or  
4 subject to the Illinois Banking Act for the deposit and  
5 withdrawal of moneys to be used for the purposes set forth in  
6 this Section; provided, that no check may be written nor any  
7 withdrawal made from any such account except upon the written  
8 signatures of 2 persons designated by the Director to write  
9 those checks and make those withdrawals. Vouchers for those  
10 expenditures must be signed by the Director. All such  
11 expenditures shall be audited by the Director, and the audit  
12 shall be submitted to the Department of Central Management  
13 Services for approval.

14 (d) Whenever the Department is authorized or required by  
15 law to consider some aspect of criminal history record  
16 information for the purpose of carrying out its statutory  
17 powers and responsibilities, then, upon request and payment of  
18 fees in conformance with the requirements of Section 2605-400  
19 of the Department of State Police Law (20 ILCS 2605/2605-400),  
20 the Department of State Police is authorized to furnish,  
21 pursuant to positive identification, the information contained  
22 in State files that is necessary to fulfill the request.

23 (e) The provisions of this Section do not apply to private  
24 business and vocational schools as defined by Section 15 of the  
25 Private Business and Vocational Schools Act of 2012.

26 (f) Beginning July 1, 1995, this Section does not apply to



1 those professions, trades, and occupations licensed under the  
2 Real Estate License Act of 2000, nor does it apply to any  
3 permits, certificates, or other authorizations to do business  
4 provided for in the Land Sales Registration Act of 1989 or the  
5 Illinois Real Estate Time-Share Act.

6 (g) Notwithstanding anything that may appear in any  
7 individual licensing statute or administrative rule, the  
8 Department shall deny any license application or renewal  
9 authorized under any licensing Act administered by the  
10 Department to any person who has failed to file a return, or to  
11 pay the tax, penalty, or interest shown in a filed return, or  
12 to pay any final assessment of tax, penalty, or interest, as  
13 required by any tax Act administered by the Illinois Department  
14 of Revenue, until such time as the requirement of any such tax  
15 Act are satisfied; however, the Department may issue a license  
16 or renewal if the person has established a satisfactory  
17 repayment record as determined by the Illinois Department of  
18 Revenue. For the purpose of this Section, "satisfactory  
19 repayment record" shall be defined by rule.

20 In addition, a complaint filed with the Department by the  
21 Illinois Department of Revenue that includes a certification,  
22 signed by its Director or designee, attesting to the amount of  
23 the unpaid tax liability or the years for which a return was  
24 not filed, or both, is prima facie ~~facia~~ evidence of the  
25 licensee's failure to comply with the tax laws administered by  
26 the Illinois Department of Revenue. Upon receipt of that

1 certification, the Department shall, without a hearing,  
2 immediately suspend all licenses held by the licensee.  
3 Enforcement of the Department's order shall be stayed for 60  
4 days. The Department shall provide notice of the suspension to  
5 the licensee by mailing a copy of the Department's order by  
6 certified and regular mail to the licensee's last known address  
7 as registered with the Department. The notice shall advise the  
8 licensee that the suspension shall be effective 60 days after  
9 the issuance of the Department's order unless the Department  
10 receives, from the licensee, a request for a hearing before the  
11 Department to dispute the matters contained in the order.

12 Any suspension imposed under this subsection (g) shall be  
13 terminated by the Department upon notification from the  
14 Illinois Department of Revenue that the licensee is in  
15 compliance with all tax laws administered by the Illinois  
16 Department of Revenue.

17 The Department shall promulgate rules for the  
18 administration of this subsection (g).

19 (h) The Department may grant the title "Retired", to be  
20 used immediately adjacent to the title of a profession  
21 regulated by the Department, to eligible retirees. The use of  
22 the title "Retired" shall not constitute representation of  
23 current licensure, registration, or certification. Any person  
24 without an active license, registration, or certificate in a  
25 profession that requires licensure, registration, or  
26 certification shall not be permitted to practice that

1 profession.

2 (i) Within 180 days after December 23, 2009 (the effective  
3 date of Public Act 96-852), the Department shall promulgate  
4 rules which permit a person with a criminal record, who seeks a  
5 license or certificate in an occupation for which a criminal  
6 record is not expressly a per se bar, to apply to the  
7 Department for a non-binding, advisory opinion to be provided  
8 by the Board or body with the authority to issue the license or  
9 certificate as to whether his or her criminal record would bar  
10 the individual from the licensure or certification sought,  
11 should the individual meet all other licensure requirements  
12 including, but not limited to, the successful completion of the  
13 relevant examinations.

14 (j) The Department may grant health care professionals  
15 volunteer licenses in accordance with the provisions of Section  
16 2105-17 of this Act.

17 (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;  
18 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12; revised 9-9-13.)

19 (20 ILCS 2105/2105-17 new)

20 Sec. 2105-17. Volunteer licenses.

21 (a) The Department may grant a volunteer license to a  
22 health care professional who:

23 (1) meets all requirements of the State licensing Act  
24 that applies to his or her health care profession; and

25 (2) agrees to engage in the volunteer practice of his

1 or her health care profession in a free medical clinic, as  
2 defined in the Good Samaritan Act, or in a public health  
3 clinic, as defined in Section 6-101 of the Local  
4 Governmental and Governmental Employees Tort Immunities  
5 Act, and to not practice for direct compensation outside of  
6 either of these settings.

7 For the purposes of this subsection (a), "volunteer  
8 practice" means the practice of a licensed health care  
9 profession for the benefit of an individual or the public and  
10 without compensation for the health care services provided.

11 (b) A volunteer license shall be granted in accordance with  
12 the licensing Act that applies to the health care  
13 professional's given health care profession and the licensure  
14 fee shall be waived.

15 (c) For the purposes of this Section, "health care  
16 professional" means any individual licensed under the laws of  
17 this State to provide health care services, including, but not  
18 limited to:

19 (1) dentists and dental hygienists licensed under the  
20 Illinois Dental Practice Act;

21 (2) nurses and advanced practice nurses licensed under  
22 the Nurse Practice Act;

23 (3) occupational therapists licensed under the  
24 Illinois Occupational Therapy Practice Act;

25 (4) optometrists licensed under the Illinois  
26 Optometric Practice Act of 1987;

1           (5) pharmacists licensed under the Pharmacy Practice  
2           Act;

3           (6) physical therapists licensed under the Illinois  
4           Physical Therapy Act;

5           (7) physicians licensed under the Medical Practice Act  
6           of 1987;

7           (8) physician assistants licensed under the Physician  
8           Assistant Practice Act of 1987;

9           (9) podiatric physicians licensed under the Podiatric  
10          Medical Practice Act of 1987;

11          (10) clinical psychologists licensed under the  
12          Clinical Psychologist Licensing Act;

13          (11) clinical social workers licensed under the  
14          Clinical Social Work and Social Work Practice Act;

15          (12) speech-language pathologists and audiologists  
16          licensed under the Illinois Speech-Language Pathology and  
17          Audiology Practice Act;

18          (13) hearing instrument dispensers licensed under the  
19          Hearing Instrument Consumer Protection Act; and

20          (14) any individual licensed under a successor Act to  
21          any of these Acts.