



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 232

2 AMENDMENT NO. _____. Amend Senate Bill 232 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 adding Sections 2105-130 and 2105-135 as follows:

7 (20 ILCS 2105/2105-130 new)

8 Sec. 2105-130. Determination of disciplinary sanctions.

9 (a) Upon a finding by the Department that a person has
10 committed a violation of any licensing Act administered by the
11 Department with regard to licenses, certificates, or
12 authorities of persons exercising the respective professions,
13 trades, or occupations, the Department may revoke, suspend,
14 refuse to renew, place on probationary status, fine, or take
15 any other disciplinary action as authorized in any licensing
16 Act administered by the Department with regard to those

1 licenses, certificates, or authorities. When making a
2 determination of the appropriate disciplinary sanction to be
3 imposed, the Department shall consider only evidence contained
4 in the record. The Department shall consider any aggravating or
5 mitigating factors contained in the record when determining the
6 appropriate disciplinary sanction to be imposed.

7 (b) When making a determination of the appropriate
8 disciplinary sanction to be imposed, the Department shall
9 consider, but is not limited to, the following aggravating
10 factors contained in the record:

11 (1) the seriousness of the offenses;

12 (2) the presence of multiple offenses;

13 (3) prior disciplinary history, including actions
14 taken by other agencies in this State or by other states or
15 jurisdictions, hospitals, health care facilities,
16 residency programs, employers, insurance providers, or any
17 of the armed forces of the United States or any state;

18 (4) the impact of the offenses on any injured party;

19 (5) the vulnerability of any injured party, including,
20 but not limited to, consideration of the injured party's
21 age, disability, or mental illness;

22 (6) the motive for the offenses;

23 (7) the lack of contrition for the offenses;

24 (8) financial gain as a result of committing the
25 offenses; and

26 (9) the lack of cooperation with the Department or

1 other investigative authorities.

2 (c) When making a determination of the appropriate
3 disciplinary sanction to be imposed, the Department shall
4 consider, but is not limited to, the following mitigating
5 factors contained in the record:

6 (1) the lack of prior disciplinary action by the
7 Department or by other agencies in this State or by other
8 states or jurisdictions, hospitals, health care
9 facilities, residency programs, employers, insurance
10 providers, or any of the armed forces of the United States
11 or any state;

12 (2) contrition for the offenses;

13 (3) cooperation with the Department or other
14 investigative authorities;

15 (4) restitution to injured parties;

16 (5) whether the misconduct was self-reported; and

17 (6) any voluntary remedial actions taken.

18 (20 ILCS 2105/2105-135 new)

19 Sec. 2105-135. Qualification for licensure or
20 registration; good moral character. Good moral character shall
21 be a qualification for licensure or registration under every
22 licensing Act administered by the Department. Good moral
23 character shall be a continuing requirement of licensure or
24 registration. The practice of professions licensed or
25 registered by the Department is hereby declared to affect the

1 public health, safety, and welfare and to be subject to
2 regulation and control in the public interest. It is further
3 declared to be a matter of public interest and concern that
4 persons who are licensed or registered to engage in any of the
5 professions licensed or registered by the Department merit and
6 receive the confidence and trust of the public. The Department
7 is authorized to revoke, suspend, refuse to renew, place on
8 probationary status, fine, or take any other disciplinary
9 action it deems warranted against any licensee or registrant
10 whose conduct violates the continuing requirement of good moral
11 character or significantly undermines the public's trust in a
12 licensed or regulated profession. This Section shall be
13 liberally construed to best carry out this purpose."