



Sen. William R. Haine

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LRB098 05432 ZMM 59516 a

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

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

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

12 (1) the seriousness of the offenses;

13 (2) the presence of multiple offenses;

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

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

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

24 (6) the motive for the offenses;

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

26 (8) financial gain as a result of committing the

1 offenses; and

2 (9) the lack of cooperation with the Department or
3 other investigative authorities.

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

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

14 (2) contrition for the offenses;

15 (3) cooperation with the Department or other
16 investigative authorities;

17 (4) restitution to injured parties;

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

19 (6) any voluntary remedial actions taken.

20 (20 ILCS 2105/2105-135 new)

21 Sec. 2105-135. Qualification for licensure or
22 registration; good moral character. The practice of
23 professions licensed or registered by the Department is hereby
24 declared to affect the public health, safety, and welfare and
25 to be subject to regulation and control in the public interest.

1 It is further declared to be a matter of public interest and
2 concern that persons who are licensed or registered to engage
3 in any of the professions licensed or registered by the
4 Department are of good moral character, which shall be a
5 continuing requirement of licensure or registration so as to
6 merit and receive the confidence and trust of the public. Upon
7 a finding by the Department that a person has committed a
8 violation of the disciplinary grounds of any licensing Act
9 administered by the Department with regard to licenses,
10 certificates, or authorities of persons exercising the
11 respective professions, trades, or occupations, the Department
12 is authorized to revoke, suspend, refuse to renew, place on
13 probationary status, fine, or take any other disciplinary
14 action it deems warranted against any licensee or registrant
15 whose conduct violates the continuing requirement of good moral
16 character."