



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5553

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal of the Clinical Psychologist Licensing Act from January 1, 2017 to January 1, 2027. Amends the Clinical Psychologist Licensing Act. Requires applicants or licensees to inform the Department of Financial and Professional Regulation of any change of address within 14 days after the change. Authorizes the Department to prescribe forms to be issued for the administration and enforcement of the Act and to conduct investigations related to possible violations of the Act. Removes language requiring that the Secretary of Financial and Professional Regulation issue a report to the Clinical Psychologists Licensing and Disciplinary Board if he or she takes action contrary to the recommendation of the Board. Provides that a person licensed in another state or jurisdiction of the United States or Canada, holds a doctoral degree in clinical, school, or counseling psychology, and has no disciplinary action taken against his or her license in any jurisdiction may be licensed at the Department's discretion. Provides that a person licensed in any foreign country or province whose standards were substantially equivalent on the date of his or her licensure in the other jurisdiction may be licensed at the recommendation of the Board. Includes the Department in certain disciplinary proceedings. Makes changes to provisions concerning investigations and hearings. Removes the requirement that the Board review reports from a hearing officer within 60 days. Makes changes to provisions concerning rehearings and final orders. Makes other changes. Effective immediately.

LRB099 16020 MLM 40338 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Regulatory Sunset Act is amended by changing
5 Section 4.27 and by adding Section 4.37 as follows:

6 (5 ILCS 80/4.27)

7 Sec. 4.27. Acts repealed on January 1, 2017. The following
8 are repealed on January 1, 2017:

9 The Illinois Optometric Practice Act of 1987.

10 ~~The Clinical Psychologist Licensing Act.~~

11 The Boiler and Pressure Vessel Repairer Regulation Act.

12 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,
13 XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

14 (Source: P.A. 99-78, eff. 7-20-15.)

15 (5 ILCS 80/4.37 new)

16 Sec. 4.37. Acts repealed on January 1, 2027. The following
17 Act is repealed on January 1, 2027:

18 The Clinical Psychologist Licensing Act.

19 Section 10. The Clinical Psychologist Licensing Act is
20 amended by changing Sections 2, 3, 6, 7, 10, 11, 15, 15.2, 16,
21 16.1, 19, 20, 21, and 23 and by adding Section 2.5 as follows:

1 (225 ILCS 15/2) (from Ch. 111, par. 5352)

2 (Section scheduled to be repealed on January 1, 2017)

3 Sec. 2. Definitions. As used in this Act:

4 (1) "Department" means the Department of Financial and
5 Professional Regulation.

6 (2) "Secretary" means the Secretary of Financial and
7 Professional Regulation.

8 (3) "Board" means the Clinical Psychologists Licensing
9 and Disciplinary Board appointed by the Secretary.

10 (4) (Blank). ~~"Person" means an individual,~~
11 ~~association, partnership or corporation.~~

12 (5) "Clinical psychology" means the independent
13 evaluation, classification and treatment of mental,
14 emotional, behavioral or nervous disorders or conditions,
15 developmental disabilities, alcoholism and substance
16 abuse, disorders of habit or conduct, and the psychological
17 aspects of physical illness. The practice of clinical
18 psychology includes psychoeducational evaluation, therapy,
19 remediation and consultation, the use of psychological and
20 neuropsychological testing, assessment, psychotherapy,
21 psychoanalysis, hypnosis, biofeedback, and behavioral
22 modification when any of these are used for the purpose of
23 preventing or eliminating psychopathology, or for the
24 amelioration of psychological disorders of individuals or
25 groups. "Clinical psychology" does not include the use of

1 hypnosis by unlicensed persons pursuant to Section 3.

2 (6) A person represents himself to be a "clinical
3 psychologist" or "psychologist" within the meaning of this
4 Act when he or she holds himself out to the public by any
5 title or description of services incorporating the words
6 "psychological", "psychologic", "psychologist",
7 "psychology", or "clinical psychologist" or under such
8 title or description offers to render or renders clinical
9 psychological services as defined in paragraph (7) of this
10 Section to individuals, ~~corporations,~~ or the public for
11 remuneration.

12 (7) "Clinical psychological services" refers to any
13 services under paragraph (5) of this Section if the words
14 "psychological", "psychologic", "psychologist",
15 "psychology" or "clinical psychologist" are used to
16 describe such services by the person or organization
17 offering to render or rendering them.

18 (8) "Collaborating physician" means a physician
19 licensed to practice medicine in all of its branches in
20 Illinois who generally prescribes medications for the
21 treatment of mental health disease or illness to his or her
22 patients in the normal course of his or her clinical
23 medical practice.

24 (9) "Prescribing psychologist" means a licensed,
25 doctoral level psychologist who has undergone specialized
26 training, has passed an examination as determined by rule,

1 and has received a current license granting prescriptive
2 authority under Section 4.2 of this Act that has not been
3 revoked or suspended from the Department.

4 (10) "Prescriptive authority" means the authority to
5 prescribe, administer, discontinue, or distribute drugs or
6 medicines.

7 (11) "Prescription" means an order for a drug,
8 laboratory test, or any medicines, including controlled
9 substances as defined in the Illinois Controlled
10 Substances Act.

11 (12) "Drugs" has the meaning given to that term in the
12 Pharmacy Practice Act.

13 (13) "Medicines" has the meaning given to that term in
14 the Pharmacy Practice Act.

15 (14) "Address of record" means the designated address
16 recorded by the Department in the applicant's application
17 file or the licensee's license file maintained by the
18 Department's licensure maintenance unit.

19 This Act shall not apply to persons lawfully carrying on
20 their particular profession or business under any valid
21 existing regulatory Act of the State.

22 (Source: P.A. 98-668, eff. 6-25-14.)

23 (225 ILCS 15/2.5 new)

24 Sec. 2.5. Change of address. It is the duty of the
25 applicant or licensee to inform the Department of any change of

1 address within 14 days after such change either through the
2 Department's website or by contacting the Department's
3 licensure maintenance unit.

4 (225 ILCS 15/3) (from Ch. 111, par. 5353)

5 (Section scheduled to be repealed on January 1, 2017)

6 Sec. 3. Necessity of license; corporations, professional
7 limited liability companies, partnerships, and associations;
8 display of license.

9 (a) No individual, ~~partnership, association or corporation~~
10 shall, without a valid license as a clinical psychologist
11 issued by the Department, in any manner hold himself or herself
12 out to the public as a psychologist or clinical psychologist
13 under the provisions of this Act or render or offer to render
14 clinical psychological services as defined in paragraph 7 of
15 Section 2 of this Act; or attach the title "clinical
16 psychologist", "psychologist" or any other name or designation
17 which would in any way imply that he or she is able to practice
18 as a clinical psychologist; or offer to render or render, to
19 individuals, ~~corporations~~ or the public, clinical
20 psychological services as defined in paragraph 7 of Section 2
21 of this Act.

22 No person may engage in the practice of clinical
23 psychology, as defined in paragraph (5) of Section 2 of this
24 Act, without a license granted under this Act, except as
25 otherwise provided in this Act.

1 (b) No ~~association or partnership shall be granted a~~
2 ~~license and no~~ professional limited liability company shall
3 provide, attempt to provide, or offer to provide clinical
4 psychological services unless every member, ~~partner,~~ and
5 employee of the ~~association, partnership, or~~ professional
6 limited liability company who renders clinical psychological
7 services holds a currently valid license issued under this Act.
8 No ~~license shall be issued by the Department to a~~ corporation
9 shall be created that (i) has a stated purpose that includes
10 clinical psychology, or (ii) practices or holds itself out as
11 available to practice clinical psychology, unless it is
12 organized under the Professional Service Corporation Act.

13 (c) Individuals, corporations, professional limited
14 liability companies, partnerships, and associations may employ
15 practicum students, interns or postdoctoral candidates seeking
16 to fulfill educational requirements or the professional
17 experience requirements needed to qualify for a license as a
18 clinical psychologist to assist in the rendering of services,
19 provided that such employees function under the direct
20 supervision, order, control and full professional
21 responsibility of a licensed clinical psychologist in the
22 corporation, professional limited liability company,
23 partnership, or association. Nothing in this paragraph shall
24 prohibit a corporation, professional limited liability
25 company, partnership, or association from contracting with a
26 licensed health care professional to provide services.

1 (c-5) Nothing in this Act shall preclude individuals
2 licensed under this Act from practicing directly or indirectly
3 for a physician licensed to practice medicine in all its
4 branches under the Medical Practice Act of 1987 or for any
5 legal entity as provided under subsection (c) of Section 22.2
6 of the Medical Practice Act of 1987.

7 Nothing in this Act shall preclude individuals licensed
8 under this Act from practicing directly or indirectly for any
9 hospital licensed under the Hospital Licensing Act or any
10 hospital affiliate as defined in Section 10.8 of the Hospital
11 Licensing Act and any hospital authorized under the University
12 of Illinois Hospital Act.

13 (d) Nothing in this Act shall prevent the employment, by a
14 clinical psychologist, individual, association, partnership,
15 professional limited liability company, or corporation
16 furnishing clinical psychological services for remuneration,
17 of persons not licensed as clinical psychologists under the
18 provisions of this Act to perform services in various
19 capacities as needed, provided that such persons are not in any
20 manner held out to the public as rendering clinical
21 psychological services as defined in paragraph 7 of Section 2
22 of this Act. Nothing contained in this Act shall require any
23 hospital, clinic, home health agency, hospice, or other entity
24 that provides health care services to employ or to contract
25 with a clinical psychologist licensed under this Act to perform
26 any of the activities under paragraph (5) of Section 2 of this

1 Act.

2 (e) Nothing in this Act shall be construed to limit the
3 services and use of official title on the part of a person, not
4 licensed under the provisions of this Act, in the employ of a
5 State, county or municipal agency or other political
6 subdivision insofar that such services are a part of the duties
7 in his or her salaried position, and insofar that such services
8 are performed solely on behalf of his or her employer.

9 Nothing contained in this Section shall be construed as
10 permitting such person to offer their services as psychologists
11 to any other persons and to accept remuneration for such
12 psychological services other than as specifically excepted
13 herein, unless they have been licensed under the provisions of
14 this Act.

15 (f) Duly recognized members of any bonafide religious
16 denomination shall not be restricted from functioning in their
17 ministerial capacity provided they do not represent themselves
18 as being clinical psychologists or providing clinical
19 psychological services.

20 (g) Nothing in this Act shall prohibit individuals not
21 licensed under the provisions of this Act who work in self-help
22 groups or programs or not-for-profit organizations from
23 providing services in those groups, programs, or
24 organizations, provided that such persons are not in any manner
25 held out to the public as rendering clinical psychological
26 services as defined in paragraph 7 of Section 2 of this Act.

1 (h) Nothing in this Act shall be construed to prevent a
2 person from practicing hypnosis without a license issued under
3 this Act provided that the person (1) does not otherwise engage
4 in the practice of clinical psychology including, but not
5 limited to, the independent evaluation, classification, and
6 treatment of mental, emotional, behavioral, or nervous
7 disorders or conditions, developmental disabilities,
8 alcoholism and substance abuse, disorders of habit or conduct,
9 and the psychological aspects of physical illness, (2) does not
10 otherwise engage in the practice of medicine including, but not
11 limited to, the diagnosis or treatment of physical or mental
12 ailments or conditions, and (3) does not hold himself or
13 herself out to the public by a title or description stating or
14 implying that the individual is a clinical psychologist or is
15 licensed to practice clinical psychology.

16 (i) Every licensee under this Act shall prominently display
17 the license at the licensee's principal office, place of
18 business, or place of employment and, whenever requested by any
19 representative of the Department, must exhibit the license.

20 (Source: P.A. 99-227, eff. 8-3-15.)

21 (225 ILCS 15/6) (from Ch. 111, par. 5356)

22 (Section scheduled to be repealed on January 1, 2017)

23 Sec. 6. Subject to the provisions of this Act, the
24 Department shall:

25 (1) Authorize examinations to ascertain the qualifications

1 and fitness of applicants for licensure as clinical
2 psychologists and pass upon the qualifications of applicants
3 for reciprocal licensure.

4 (2) Conduct hearings on proceedings to refuse to issue or
5 renew or to revoke licenses or suspend, place on probation,
6 ~~censure~~ or reprimand persons licensed under the provisions of
7 this Act, and to refuse to issue or to suspend or to revoke or
8 to refuse to renew licenses or to place on probation, ~~censure~~
9 or reprimand such persons licensed under the provisions of this
10 Act.

11 (3) Adopt ~~Formulate~~ rules and regulations required for the
12 administration of this Act.

13 (4) Prescribe forms to be issued for the administration and
14 enforcement of this Act.

15 (5) Conduct investigations related to possible violations
16 of this Act.

17 (Source: P.A. 85-947.)

18 (225 ILCS 15/7) (from Ch. 111, par. 5357)

19 (Section scheduled to be repealed on January 1, 2017)

20 Sec. 7. Board. The Secretary shall appoint a Board that
21 shall serve in an advisory capacity to the Secretary.

22 The Board shall consist of 11 persons: 4 of whom are
23 licensed clinical psychologists and actively engaged in the
24 practice of clinical psychology; 2 of whom are licensed
25 prescribing psychologists; 2 of whom are physicians licensed to

1 practice medicine in all its branches in Illinois who generally
2 prescribe medications for the treatment of mental health
3 disease or illness in the normal course of clinical medical
4 practice, one of whom shall be a psychiatrist and the other a
5 primary care or family physician; 2 of whom are licensed
6 clinical psychologists and are full time faculty members of
7 accredited colleges or universities who are engaged in training
8 clinical psychologists; and one of whom is a public member who
9 is not a licensed health care provider. In appointing members
10 of the Board, the Secretary shall give due consideration to the
11 adequate representation of the various fields of health care
12 psychology such as clinical psychology, school psychology and
13 counseling psychology. In appointing members of the Board, the
14 Secretary shall give due consideration to recommendations by
15 members of the profession of clinical psychology and by the
16 State-wide organizations representing the interests of
17 clinical psychologists and organizations representing the
18 interests of academic programs as well as recommendations by
19 approved doctoral level psychology programs in the State of
20 Illinois, and, with respect to the 2 physician members of the
21 Board, the Secretary shall give due consideration to
22 recommendations by the Statewide professional associations or
23 societies representing physicians licensed to practice
24 medicine in all its branches in Illinois. The members shall be
25 appointed for a term of 4 years. No member shall be eligible to
26 serve for more than 2 full terms. Any appointment to fill a

1 vacancy shall be for the unexpired portion of the term. A
2 member appointed to fill a vacancy for an unexpired term for a
3 duration of 2 years or more may be reappointed for a maximum of
4 one term and a member appointed to fill a vacancy for an
5 unexpired term for a duration of less than 2 years may be
6 reappointed for a maximum of 2 terms. The Secretary may remove
7 any member for cause at any time prior to the expiration of his
8 or her term.

9 The 2 initial appointees to the Board who are licensed
10 prescribing psychologists may hold a medical or prescription
11 license issued by another state so long as the license is
12 deemed by the Secretary to be substantially equivalent to a
13 prescribing psychologist license under this Act and so long as
14 the appointees also maintain an Illinois clinical psychologist
15 license. Such initial appointees shall serve on the Board until
16 the Department adopts rules necessary to implement licensure
17 under Section 4.2 of this Act.

18 The Board shall annually elect a ~~one of its members as~~
19 chairperson and vice chairperson.

20 The members of the Board shall be reimbursed for all
21 authorized legitimate and necessary expenses incurred in
22 attending the meetings of the Board.

23 The Secretary shall give due consideration to all
24 recommendations of the Board. ~~In the event the Secretary~~
25 ~~disagrees with or takes action contrary to the recommendation~~
26 ~~of the Board, he or she shall provide the Board with a written~~

1 ~~and specific explanation of his or her actions.~~

2 The Board may make recommendations on all matters relating
3 to continuing education including the number of hours necessary
4 for license renewal, waivers for those unable to meet such
5 requirements and acceptable course content. Such
6 recommendations shall not impose an undue burden on the
7 Department or an unreasonable restriction on those seeking
8 license renewal.

9 The 2 licensed prescribing psychologist members of the
10 Board and the 2 physician members of the Board shall only
11 deliberate and make recommendations related to the licensure
12 and discipline of prescribing psychologists. Four members
13 shall constitute a quorum, except that all deliberations and
14 recommendations related to the licensure and discipline of
15 prescribing psychologists shall require a quorum of 6 members.
16 A quorum is required for all Board decisions.

17 Members of the Board shall have no liability in any action
18 based upon any disciplinary proceeding or other activity
19 performed in good faith as a member of the Board.

20 The Secretary may terminate the appointment of any member
21 for cause which in the opinion of the Secretary reasonably
22 justifies such termination.

23 (Source: P.A. 98-668, eff. 6-25-14.)

24 (225 ILCS 15/10) (from Ch. 111, par. 5360)

25 (Section scheduled to be repealed on January 1, 2017)

1 Sec. 10. Qualifications of applicants; examination. The
2 Department, except as provided in Section 11 of this Act, shall
3 issue a license as a clinical psychologist to any person who
4 pays an application fee and who:

5 (1) is at least 21 years of age; ~~and has not engaged in~~
6 ~~conduct or activities which would constitute grounds for~~
7 ~~discipline under this Act;~~

8 (2) (blank);

9 (3) is a graduate of a doctoral program from a college,
10 university or school accredited by the regional
11 accrediting body which is recognized by the Council on
12 Postsecondary Accreditation and is in the jurisdiction in
13 which it is located for purposes of granting the doctoral
14 degree and either:

15 (a) is a graduate of a doctoral program in
16 clinical, school or counseling psychology either
17 accredited by the American Psychological Association
18 or the Psychological Clinical Science Accreditation
19 System or approved by the Council for the National
20 Register of Health Service Providers in Psychology or
21 other national board recognized by the Board, and has
22 completed 2 years of satisfactory supervised
23 experience in clinical, school or counseling
24 psychology at least one of which is an internship and
25 one of which is postdoctoral; or

26 (b) holds a doctoral degree from a recognized

1 college, university or school which the Department,
2 through its rules, establishes as being equivalent to a
3 clinical, school or counseling psychology program and
4 has completed at least one course in each of the
5 following 7 content areas, in actual attendance at a
6 recognized university, college or school whose
7 graduates would be eligible for licensure under this
8 Act: scientific and professional ethics, biological
9 basis of behavior, cognitive-affective basis of
10 behavior, social basis of behavior, individual
11 differences, assessment, and treatment modalities; and
12 has completed 2 years of satisfactory supervised
13 experience in clinical, school or counseling
14 psychology, at least one of which is an internship and
15 one of which is postdoctoral; or

16 (c) holds a doctorate in psychology or in a program
17 whose content is psychological in nature from an
18 accredited college, university or school not meeting
19 the standards of paragraph (a) or (b) of this
20 subsection (3) and provides evidence of the completion
21 of at least one course in each of the 7 content areas
22 specified in paragraph (b) in actual attendance at a
23 recognized university, school or college whose
24 graduate would be eligible for licensure under this
25 Act; and has completed an appropriate practicum, an
26 internship or equivalent supervised clinical

1 experience in an organized mental health care setting
2 and 2 years of satisfactory supervised experience in
3 clinical or counseling psychology, at least one of
4 which is postdoctoral; and

5 (4) has passed an examination authorized by the
6 Department to determine his or her fitness to receive a
7 license.

8 Applicants for licensure under subsection (3) (a) and (3) (b) of
9 this Section shall complete 2 years of satisfactory supervised
10 experience, at least one of which shall be an internship and
11 one of which shall be postdoctoral. A year of supervised
12 experience is defined as not less than 1,750 hours obtained in
13 not less than 50 weeks based on 35 hours per week for full-time
14 work experience. Full-time supervised experience will be
15 counted only if it is obtained in a single setting for a
16 minimum of 6 months. Part-time and internship experience will
17 be counted only if it is 18 hours or more a week for a minimum
18 of 9 months and is in a single setting. The internship
19 experience required under subsection (3) (a) and (3) (b) of this
20 Section shall be a minimum of 1,750 hours completed within 24
21 months.

22 Programs leading to a doctoral degree require minimally the
23 equivalent of 3 full-time academic years of graduate study, at
24 least 2 years of which are at the institution from which the
25 degree is granted, and of which at least one year or its
26 equivalent is in residence at the institution from which the

1 degree is granted. Course work for which credit is given for
2 life experience will not be accepted by the Department as
3 fulfilling the educational requirements for licensure.
4 Residence requires interaction with psychology faculty and
5 other matriculated psychology students; one year's residence
6 or its equivalent is defined as follows:

7 (a) 30 semester hours taken on a full-time or part-time
8 basis at the institution accumulated within 24 months, or

9 (b) a minimum of 350 hours of student-faculty contact
10 involving face-to-face individual or group courses or
11 seminars accumulated within 18 months. Such educational
12 meetings must include both faculty-student and
13 student-student interaction, be conducted by the
14 psychology faculty of the institution at least 90% of the
15 time, be fully documented by the institution, and relate
16 substantially to the program and course content. The
17 institution must clearly document how the applicant's
18 performance is assessed and evaluated.

19 To meet the requirement for satisfactory supervised
20 experience, under this Act the supervision must be performed
21 pursuant to the order, control and full professional
22 responsibility of a licensed clinical psychologist. The
23 clients shall be the clients of the agency or supervisor rather
24 than the supervisee. Supervised experience in which the
25 supervisor receives monetary payment or other consideration
26 from the supervisee or in which the supervisor is hired by or

1 otherwise employed by the supervisee shall not be accepted by
2 the Department as fulfilling the practicum, internship or 2
3 years of satisfactory supervised experience requirements for
4 licensure.

5 Examinations for applicants under this Act shall be held at
6 the direction of the Department from time to time but not less
7 than once each year. The scope and form of the examination
8 shall be determined by the Department.

9 Each applicant for a license who possesses the necessary
10 qualifications therefor shall be examined by the Department,
11 and shall pay to the Department, or its designated testing
12 service, the required examination fee, which fee shall not be
13 refunded by the Department.

14 Applicants have 3 years from the date of application to
15 complete the application process. If the process has not been
16 completed in 3 years, the application shall be denied, the fee
17 shall be forfeited, and the applicant must reapply and meet the
18 requirements in effect at the time of reapplication.

19 An applicant has one year from the date of notification of
20 successful completion of the examination to apply to the
21 Department for a license. If an applicant fails to apply within
22 one year, the applicant shall be required to take and pass the
23 examination again unless licensed in another jurisdiction of
24 the United States within one year of passing the examination.

25 (Source: P.A. 98-849, eff. 1-1-15.)

1 (225 ILCS 15/11) (from Ch. 111, par. 5361)

2 (Section scheduled to be repealed on January 1, 2017)

3 Sec. 11. Persons licensed in other jurisdictions.

4 (a) The Department may, in its discretion, grant a license
5 on payment of the required fee to any person who, at the time
6 of application, is licensed by ~~a similar board of~~ another state
7 or jurisdiction of the United States or Canada, holds a
8 doctoral degree in clinical, school, or counseling psychology,
9 and has no disciplinary action taken against his or her license
10 in any jurisdiction ~~of a foreign country or province whose~~
11 ~~standards, in the opinion of the Department, were substantially~~
12 ~~equivalent, at the date of his or her licensure in the other~~
13 ~~jurisdiction, to the requirements of this Act or to any person~~
14 ~~who, at the time of his or her licensure, possessed individual~~
15 ~~qualifications that were substantially equivalent to the~~
16 ~~requirements then in force in this State.~~

17 (b) The Department may issue a license, upon payment of the
18 required fee and recommendation of the Board, to an individual
19 applicant who is licensed in any foreign country or province
20 whose standards, in the opinion of the Board or Department,
21 were substantially equivalent, at the date of his or her
22 licensure in the other jurisdiction, to the requirements of
23 this Act or to any person who, at the time of his or her
24 licensure, possessed individual qualifications that were
25 substantially equivalent to the requirements then in force in
26 this State.+

1 ~~(1) has been licensed based on a doctorate degree to~~
2 ~~practice psychology in one or more other states or Canada~~
3 ~~for at least 20 years;~~

4 ~~(2) has had no disciplinary action taken against his or~~
5 ~~her license in any other jurisdiction during the entire~~
6 ~~period of licensure;~~

7 ~~(3) submits the appropriate fee and application;~~

8 ~~(4) has not violated any provision of this Act or the~~
9 ~~rules adopted under this Act; and~~

10 ~~(5) complies with all additional rules promulgated~~
11 ~~under this subsection.~~

12 The Department may promulgate rules to further define these
13 licensing criteria.

14 (c) Applicants have 3 years from the date of application to
15 complete the application process. If the process has not been
16 completed in 3 years, the application shall be denied, the fee
17 shall be forfeited, and the applicant must reapply and meet the
18 requirements in effect at the time of reapplication.

19 (Source: P.A. 89-387, eff. 8-20-95; 89-626, eff. 8-9-96;
20 89-702, eff. 7-1-97.)

21 (225 ILCS 15/15) (from Ch. 111, par. 5365)

22 (Section scheduled to be repealed on January 1, 2017)

23 Sec. 15. Disciplinary action; grounds. The Department may
24 refuse to issue, refuse to renew, suspend, or revoke any
25 license, or may place on probation, ~~censure,~~ reprimand, or take

1 other disciplinary or non-disciplinary action deemed
2 appropriate by the Department, including the imposition of
3 fines not to exceed \$10,000 for each violation, with regard to
4 any license issued under the provisions of this Act for any one
5 or a combination of the following reasons:

6 (1) Conviction of, or entry of a plea of guilty or nolo
7 contendere to, any crime that is a felony under the laws of
8 the United States or any state or territory thereof or that
9 is a misdemeanor of which an essential element is
10 dishonesty, or any crime that is directly related to the
11 practice of the profession.

12 (2) Gross negligence in the rendering of clinical
13 psychological services.

14 (3) Using fraud or making any misrepresentation in
15 applying for a license or in passing the examination
16 provided for in this Act.

17 (4) Aiding or abetting or conspiring to aid or abet a
18 person, not a clinical psychologist licensed under this
19 Act, in representing himself or herself as so licensed or
20 in applying for a license under this Act.

21 (5) Violation of any provision of this Act or the rules
22 promulgated thereunder.

23 (6) Professional connection or association with any
24 person, firm, association, partnership or corporation
25 holding himself, herself, themselves, or itself out in any
26 manner contrary to this Act.

1 (7) Unethical, unauthorized or unprofessional conduct
2 as defined by rule. In establishing those rules, the
3 Department shall consider, though is not bound by, the
4 ethical standards for psychologists promulgated by
5 recognized national psychology associations.

6 (8) Aiding or assisting another person in violating any
7 provisions of this Act or the rules promulgated thereunder.

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

10 (10) Habitual or excessive use or addiction to alcohol,
11 narcotics, stimulants, or any other chemical agent or drug
12 that results in a clinical psychologist's inability to
13 practice with reasonable judgment, skill or safety.

14 (11) Discipline by another state, territory, the
15 District of Columbia or foreign country, if at least one of
16 the grounds for the discipline is the same or substantially
17 equivalent to those set forth herein.

18 (12) Directly or indirectly giving or receiving from
19 any person, firm, corporation, association or partnership
20 any fee, commission, rebate, or other form of compensation
21 for any professional service not actually or personally
22 rendered. Nothing in this paragraph (12) affects any bona
23 fide independent contractor or employment arrangements
24 among health care professionals, health facilities, health
25 care providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or
2 other employment benefits for the provision of services
3 within the scope of the licensee's practice under this Act.
4 Nothing in this paragraph (12) shall be construed to
5 require an employment arrangement to receive professional
6 fees for services rendered.

7 (13) A finding ~~by the Board~~ that the licensee, after
8 having his or her license placed on probationary status has
9 violated the terms of probation.

10 (14) Willfully making or filing false records or
11 reports, including but not limited to, false records or
12 reports filed with State agencies or departments.

13 (15) Physical illness, including but not limited to,
14 deterioration through the aging process, mental illness or
15 disability that results in the inability to practice the
16 profession with reasonable judgment, skill and safety.

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

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

1 (18) Violation of the Health Care Worker Self-Referral
2 Act.

3 (19) Making a material misstatement in furnishing
4 information to the Department, any other State or federal
5 agency, or any other entity.

6 (20) Failing to report to the Department any adverse
7 judgment, settlement, or award arising from a liability
8 claim related to an act or conduct similar to an act or
9 conduct that would constitute grounds for action as set
10 forth in this Section.

11 (21) Failing to report to the Department any adverse
12 final action taken against a licensee or applicant by
13 another licensing jurisdiction, including any other state
14 or territory of the United States or any foreign state or
15 country, or any peer review body, health care institution,
16 professional society or association related to the
17 profession, governmental agency, law enforcement agency,
18 or court for an act or conduct similar to an act or conduct
19 that would constitute grounds for disciplinary action as
20 set forth in this Section.

21 (22) Prescribing, selling, administering,
22 distributing, giving, or self-administering (A) any drug
23 classified as a controlled substance (designated product)
24 for other than medically accepted therapeutic purposes or
25 (B) any narcotic drug.

26 (23) Violating state or federal laws or regulations

1 relating to controlled substances, legend drugs, or
2 ephedra as defined in the Ephedra Prohibition Act.

3 (24) Exceeding the terms of a collaborative agreement
4 or the prescriptive authority delegated to a licensee by
5 his or her collaborating physician or established under a
6 written collaborative agreement.

7 The entry of an order by any circuit court establishing
8 that any person holding a license under this Act is subject to
9 involuntary admission or judicial admission as provided for in
10 the Mental Health and Developmental Disabilities Code,
11 operates as an automatic suspension of that license. That
12 person may have his or her license restored only upon the
13 determination by a circuit court that the patient is no longer
14 subject to involuntary admission or judicial admission and the
15 issuance of an order so finding and discharging the patient and
16 upon the Board's recommendation to the Department that the
17 license be restored. Where the circumstances so indicate, the
18 Board may recommend to the Department that it require an
19 examination prior to restoring any license so automatically
20 suspended.

21 The Department shall ~~may~~ refuse to issue or ~~may~~ suspend the
22 license of any person who fails to file a return, or to pay the
23 tax, penalty or interest shown in a filed return, or to pay any
24 final assessment of the tax penalty or interest, as required by
25 any tax Act administered by the Illinois Department of Revenue,
26 until such time as the requirements of any such tax Act are

1 satisfied.

2 In enforcing this Section, the Department or Board upon a
3 showing of a possible violation may compel any person licensed
4 to practice under this Act, or who has applied for licensure or
5 certification pursuant to this Act, to submit to a mental or
6 physical examination, or both, as required by and at the
7 expense of the Department. The examining physicians or clinical
8 psychologists shall be those specifically designated by the
9 Department ~~Board~~. The Board or the Department may order the
10 examining physician or clinical psychologist to present
11 testimony concerning this mental or physical examination of the
12 licensee or applicant. No information shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communications between the licensee or applicant and the
15 examining physician or clinical psychologist. The person to be
16 examined may have, at his or her own expense, another physician
17 or clinical psychologist of his or her choice present during
18 all aspects of the examination. Failure of any person to submit
19 to a mental or physical examination, when directed, shall be
20 grounds for suspension of a license until the person submits to
21 the examination if the Department or Board finds, after notice
22 and hearing, that the refusal to submit to the examination was
23 without reasonable cause.

24 If the Department or Board finds a person unable to
25 practice because of the reasons set forth in this Section, the
26 Department or Board may require that person to submit to care,

1 counseling or treatment by physicians or clinical
2 psychologists approved or designated by the Department Board,
3 as a condition, term, or restriction for continued, reinstated,
4 or renewed licensure to practice; or, in lieu of care,
5 counseling or treatment, the Board may recommend to the
6 Department to file or the Department may file a complaint to
7 immediately suspend, revoke or otherwise discipline the
8 license of the person. Any person whose license was granted,
9 continued, reinstated, renewed, disciplined or supervised
10 subject to such terms, conditions or restrictions, and who
11 fails to comply with such terms, conditions or restrictions,
12 shall be referred to the Secretary for a determination as to
13 whether the person shall have his or her license suspended
14 immediately, pending a hearing by the Board.

15 In instances in which the Secretary immediately suspends a
16 person's license under this Section, a hearing on that person's
17 license must be convened by the Board within 15 days after the
18 suspension and completed without appreciable delay. The Board
19 shall have the authority to review the subject person's record
20 of treatment and counseling regarding the impairment, to the
21 extent permitted by applicable federal statutes and
22 regulations safeguarding the confidentiality of medical
23 records.

24 A person licensed under this Act and affected under this
25 Section shall be afforded an opportunity to demonstrate to the
26 Board that he or she can resume practice in compliance with

1 acceptable and prevailing standards under the provisions of his
2 or her license.

3 (Source: P.A. 98-668, eff. 6-25-14.)

4 (225 ILCS 15/15.2)

5 (Section scheduled to be repealed on January 1, 2017)

6 Sec. 15.2. Administrative Procedure Act. The Illinois
7 Administrative Procedure Act is hereby expressly adopted and
8 incorporated herein as if all of the provisions of that Act
9 were included in this Act, except that the provision of
10 subsection (d) of Section 10-65 of the Illinois Administrative
11 Procedure Act that provides that at hearings the licensee has
12 the right to show compliance with all lawful requirements for
13 retention, or continuation or renewal of the license, is
14 specifically excluded. ~~For the purposes of this Act, the notice~~
15 ~~required under Section 10-25 of the Illinois Administrative~~
16 ~~Procedure Act is deemed sufficient when mailed to the last~~
17 ~~known address of a party.~~

18 (Source: P.A. 89-702, eff. 7-1-97.)

19 (225 ILCS 15/16) (from Ch. 111, par. 5366)

20 (Section scheduled to be repealed on January 1, 2017)

21 Sec. 16. Investigations; notice; hearing.

22 (a) The Department may investigate the actions of any
23 applicant or of any person or persons holding or claiming to
24 hold a license or registration under this Act.

1 (b) The Department shall, before disciplining an applicant
2 or licensee, at least 30 days before the date set for the
3 hearing, (i) notify the accused in writing of the charges made
4 and the time and place for the hearing on the charges, (ii)
5 direct him or her to file a written answer to the charges under
6 oath within 20 days after service, and (iii) inform the
7 applicant or licensee that failure to answer will result in a
8 default being entered against the applicant or licensee.

9 (c) At the time and place fixed in the notice, the Board or
10 hearing officer appointed by the Secretary shall proceed to
11 hear the charges, and the parties or their counsel shall be
12 accorded ample opportunity to present any pertinent
13 statements, testimony, evidence, and arguments. The Board or
14 hearing officer may continue the hearing from time to time. In
15 case the person, after receiving the notice, fails to file an
16 answer, his or her license may, in the discretion of the
17 Secretary, having first received the recommendation of the
18 Board, be suspended, revoked, or placed on probationary status,
19 or be subject to whatever disciplinary action the Secretary
20 considers proper, including limiting the scope, nature, or
21 extent of the person's practice or the imposition of a fine,
22 without hearing, if the act or acts charged constitute
23 sufficient grounds for that action under this Act.

24 (d) The written notice and any notice in the subsequent
25 proceeding may be served by regular or certified mail to the
26 applicant's or licensee's address of record. Licenses may be

1 ~~refused, revoked, or suspended in the manner provided by this~~
2 ~~Act and not otherwise. The Department may upon its own motion~~
3 ~~and shall upon the verified complaint in writing of any person~~
4 ~~setting forth facts that if proven would constitute grounds for~~
5 ~~refusal to issue, suspend or revoke under this Act investigate~~
6 ~~the actions of any person applying for, holding or claiming to~~
7 ~~hold a license. The Department shall, before refusing to issue,~~
8 ~~renew, suspend or revoke any license or take other disciplinary~~
9 ~~action pursuant to Section 15 of this Act, and at least 30 days~~
10 ~~prior to the date set for the hearing, notify in writing the~~
11 ~~applicant for or the holder of such license of any charges~~
12 ~~made, shall afford such accused person an opportunity to be~~
13 ~~heard in person or by counsel in reference thereto, and direct~~
14 ~~the applicant or licensee to file a written answer to the Board~~
15 ~~under oath within 20 days after the service of the notice and~~
16 ~~inform the applicant or licensee that failure to file an answer~~
17 ~~will result in default being taken against the applicant or~~
18 ~~licensee and that the license or certificate may be suspended,~~
19 ~~revoked, placed on probationary status, or other disciplinary~~
20 ~~action may be taken, including limiting the scope, nature or~~
21 ~~extent of practice, as the Secretary may deem proper. Written~~
22 ~~notice may be served by delivery of the same personally to the~~
23 ~~accused person, or by mailing the same by certified mail to his~~
24 ~~or her last known place of residence or to the place of~~
25 ~~business last theretofore specified by the accused person in~~
26 ~~his or her last notification to the Department. In case the~~

1 ~~person fails to file an answer after receiving notice, his or~~
2 ~~her license or certificate may, in the discretion of the~~
3 ~~Department, be suspended, revoked, or placed on probationary~~
4 ~~status, or the Department may take whatever disciplinary action~~
5 ~~deemed proper, including limiting the scope, nature, or extent~~
6 ~~of the person's practice or the imposition of a fine, without a~~
7 ~~hearing, if the act or acts charged constitute sufficient~~
8 ~~grounds for such action under this Act. At the time and place~~
9 ~~fixed in the notice, the Board shall proceed to hearing of the~~
10 ~~charges and both the accused person and the complainant shall~~
11 ~~be accorded ample opportunity to present, in person or by~~
12 ~~counsel, any statements, testimony, evidence and arguments as~~
13 ~~may be pertinent to the charges or to their defense. The Board~~
14 ~~may continue such hearing from time to time. If the Board shall~~
15 ~~not be sitting at the time and place fixed in the notice or at~~
16 ~~the time and place to which the hearing shall have been~~
17 ~~continued, the Department shall continue such hearing for a~~
18 ~~period not to exceed 30 days.~~

19 (Source: P.A. 94-870, eff. 6-16-06.)

20 (225 ILCS 15/16.1)

21 (Section scheduled to be repealed on January 1, 2017)

22 Sec. 16.1. Appointment of hearing officer. Notwithstanding
23 any other provision of this Act, the Secretary shall have the
24 authority to appoint any attorney duly licensed to practice law
25 in the State of Illinois to serve as the hearing officer in any

1 action for refusal to issue, renew or discipline a license. The
2 hearing officer shall have full authority to conduct the
3 hearing. The hearing officer shall report his or her findings
4 of fact, conclusions of law, and recommendations to the Board
5 and the Secretary. ~~The Board shall have 60 days after receipt~~
6 ~~of the report to review the report of the hearing officer and~~
7 ~~to present its findings of fact, conclusions of law and~~
8 ~~recommendations to the Secretary. If the Board fails to present~~
9 ~~its report within the 60 day period, the Secretary may issue an~~
10 ~~order based on the report of the hearing officer. If the~~
11 ~~Secretary disagrees with the recommendations of the Board or~~
12 ~~hearing officer, the Secretary may issue an order in~~
13 ~~contravention of the Board's report. The Secretary shall~~
14 ~~promptly provide a written explanation to the Board on any such~~
15 ~~disagreement.~~

16 (Source: P.A. 94-870, eff. 6-16-06.)

17 (225 ILCS 15/19) (from Ch. 111, par. 5369)

18 (Section scheduled to be repealed on January 1, 2017)

19 Sec. 19. Record of proceedings; transcript. The
20 Department, at its expense, shall preserve a record of all
21 proceedings at any formal hearing of any case. The notice of
22 hearing, complaint and all other documents in the nature of
23 pleadings and written motions filed in the proceedings, the
24 copy transcript of testimony, the report of the Board and the
25 orders of the Department shall be the record of the

1 proceedings. The Department shall furnish a transcript of the
2 record to any person upon payment of the fee required under
3 Section 2105-115 of the Department of Professional Regulation
4 Law (20 ILCS 2105/2105-115).

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 (225 ILCS 15/20) (from Ch. 111, par. 5370)

7 (Section scheduled to be repealed on January 1, 2017)

8 Sec. 20. Hearing Report; motion for rehearing.

9 (a) The Board or the hearing officer appointed by the
10 Secretary shall hear evidence in support of the formal charges
11 and evidence produced by the licensee. At the conclusion of the
12 hearing, the Board shall present to the Secretary a written
13 report of its findings of fact, conclusions of law, and
14 recommendations.

15 (b) At the conclusion of the hearing, a copy of the Board
16 or hearing officer's report shall be served upon the applicant
17 or licensee by the Department, either personally or as provided
18 in this Act for the service of a notice of hearing. Within 20
19 calendar days after service, the applicant or licensee may
20 present to the Department a motion in writing for a rehearing,
21 which shall specify the particular grounds for rehearing. The
22 Department may respond to the motion for rehearing within 20
23 calendar days after its service on the Department. If no motion
24 for rehearing is filed, then upon the expiration of the time
25 specified for filing such or motion, or upon denial of a motion

1 for rehearing, the Secretary may enter an order in accordance
2 with the recommendation of the Board or hearing officer. If the
3 applicant or licensee orders from the reporting service and
4 pays for a transcript of the record within the time for filing
5 a motion for rehearing, the 20-day period within which a motion
6 may be filed shall commence upon the delivery of the transcript
7 to the applicant or licensee.

8 (c) If the Secretary disagrees in any regard with the
9 report of the Board, the Secretary may issue an order contrary
10 to the report.

11 (d) Whenever the Secretary is not satisfied that
12 substantial justice has been done, the Secretary may order a
13 rehearing by the same or another hearing officer.

14 (e) At any point in any investigation or disciplinary
15 proceeding provided for in this Act, both parties may agree to
16 a negotiated consent order. The consent order shall be final
17 upon signature of the Secretary.

18 (f) Any fine imposed shall be payable within 60 days after
19 the effective date of the order imposing the fine. ~~The Board~~
20 ~~shall present to the Secretary its written report of its~~
21 ~~findings and recommendations. A copy of such report shall be~~
22 ~~served upon the applicant or licensee, either personally or by~~
23 ~~certified mail. Within 20 days after such service, the~~
24 ~~applicant or licensee may present to the Department a motion in~~
25 ~~writing for a rehearing, that shall specify the particular~~
26 ~~grounds for the rehearing. If no motion for a rehearing is~~

~~1 filed, then upon the expiration of the time specified for
2 filing such a motion, or if a motion for rehearing is denied,
3 then upon such denial, the Secretary may enter an order in
4 accordance with recommendations of the Board, except as
5 provided in Section 16.1 of this Act. If the applicant or
6 licensee requests and pays for a transcript of the record
7 within the time for filing a motion for rehearing, the 20 day
8 period within which a motion may be filed shall commence upon
9 the delivery of the transcript.~~

10 (Source: P.A. 94-870, eff. 6-16-06.)

11 (225 ILCS 15/21) (from Ch. 111, par. 5371)

12 (Section scheduled to be repealed on January 1, 2017)

13 Sec. 21. Restoration of license. At any time after the
14 suspension or revocation of any license, the Department may
15 restore it to the licensee upon the written recommendation of
16 the Board unless after an investigation and hearing the Board
17 or Department determines that restoration is not in the public
18 interest. Where circumstances of suspension or revocation so
19 indicate, the Department may require an examination of the
20 accused person prior to restoring his or her license.

21 (Source: P.A. 89-702, eff. 7-1-97.)

22 (225 ILCS 15/23) (from Ch. 111, par. 5373)

23 (Section scheduled to be repealed on January 1, 2017)

24 Sec. 23. Certification of record. The Department shall not

1 be required to certify any record to the court, file any answer
2 in court or otherwise appear in any court in a judicial review
3 proceedings, unless and until the Department has received from
4 the plaintiff ~~there is filed in the court with the complaint a~~
5 ~~receipt from the Department acknowledging~~ payment of the costs
6 of furnishing and certifying the record, which costs shall be
7 determined by the Department. Failure on the part of the
8 plaintiff to file a receipt in court shall be grounds for
9 dismissal of the action.

10 (Source: P.A. 89-702, eff. 7-1-97.)

11 (225 ILCS 15/15.4 rep.)

12 Section 15. The Clinical Psychologist Licensing Act is
13 amended by repealing Section 15.4.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.

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