



Sen. Scott M. Bennett

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LRB099 03483 MLM 34064 a

1 AMENDMENT TO SENATE BILL 454

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 454 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 changing Sections 2105-15 and 2105-207 as follows:

7 (20 ILCS 2105/2105-15)

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

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

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

16 (2) To prescribe rules and regulations for a fair and

1 wholly impartial method of examination of candidates to  
2 exercise the respective professions, trades, or  
3 occupations.

4 (3) To pass upon the qualifications of applicants for  
5 licenses, certificates, and authorities, whether by  
6 examination, by reciprocity, or by endorsement.

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

21 (5) To conduct hearings on proceedings to revoke,  
22 suspend, refuse to renew, place on probationary status, or  
23 take other disciplinary action as authorized in any  
24 licensing Act administered by the Department with regard to  
25 licenses, certificates, or authorities of persons  
26 exercising the respective professions, trades, or

1 occupations and to revoke, suspend, refuse to renew, place  
2 on probationary status, or take other disciplinary action  
3 as authorized in any licensing Act administered by the  
4 Department with regard to those licenses, certificates, or  
5 authorities. The Department shall issue a monthly  
6 disciplinary report. ~~The Department shall deny any license  
7 or renewal authorized by the Civil Administrative Code of  
8 Illinois to any person who has defaulted on an educational  
9 loan or scholarship provided by or guaranteed by the  
10 Illinois Student Assistance Commission or any governmental  
11 agency of this State; however, the Department may issue a  
12 license or renewal if the aforementioned persons have  
13 established a satisfactory repayment record as determined  
14 by the Illinois Student Assistance Commission or other  
15 appropriate governmental agency of this State.  
16 Additionally, beginning June 1, 1996, any license issued by  
17 the Department may be suspended or revoked if the  
18 Department, after the opportunity for a hearing under the  
19 appropriate licensing Act, finds that the licensee has  
20 failed to make satisfactory repayment to the Illinois  
21 Student Assistance Commission for a delinquent or  
22 defaulted loan. For the purposes of this Section,  
23 "satisfactory repayment record" shall be defined by rule.~~  
24 The Department shall refuse to issue or renew a license to,  
25 or shall suspend or revoke a license of, any person who,  
26 after receiving notice, fails to comply with a subpoena or

1 warrant relating to a paternity or child support  
2 proceeding. However, the Department may issue a license or  
3 renewal upon compliance with the subpoena or warrant.

4 The Department, without further process or hearings,  
5 shall revoke, suspend, or deny any license or renewal  
6 authorized by the Civil Administrative Code of Illinois to  
7 a person who is certified by the Department of Healthcare  
8 and Family Services (formerly Illinois Department of  
9 Public Aid) as being more than 30 days delinquent in  
10 complying with a child support order or who is certified by  
11 a court as being in violation of the Non-Support Punishment  
12 Act for more than 60 days. The Department may, however,  
13 issue a license or renewal if the person has established a  
14 satisfactory repayment record as determined by the  
15 Department of Healthcare and Family Services (formerly  
16 Illinois Department of Public Aid) or if the person is  
17 determined by the court to be in compliance with the  
18 Non-Support Punishment Act. The Department may implement  
19 this paragraph as added by Public Act 89-6 through the use  
20 of emergency rules in accordance with Section 5-45 of the  
21 Illinois Administrative Procedure Act. For purposes of the  
22 Illinois Administrative Procedure Act, the adoption of  
23 rules to implement this paragraph shall be considered an  
24 emergency and necessary for the public interest, safety,  
25 and welfare.

26 (6) To transfer jurisdiction of any realty under the

1 control of the Department to any other department of the  
2 State Government or to acquire or accept federal lands when  
3 the transfer, acquisition, or acceptance is advantageous  
4 to the State and is approved in writing by the Governor.

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

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

23 (8.5) To accept continuing education credit for  
24 mandated reporter training on how to recognize and report  
25 child abuse offered by the Department of Children and  
26 Family Services and completed by any person who holds a

1 professional license issued by the Department and who is a  
2 mandated reporter under the Abused and Neglected Child  
3 Reporting Act. The Department shall adopt any rules  
4 necessary to implement this paragraph.

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

6 (a-5) Except in ~~cases involving default on an educational~~  
7 ~~loan or scholarship provided by or guaranteed by the Illinois~~  
8 ~~Student Assistance Commission or any governmental agency of~~  
9 ~~this State or in~~ cases involving delinquency in complying with  
10 a child support order or violation of the Non-Support  
11 Punishment Act, no person or entity whose license, certificate,  
12 or authority has been revoked as authorized in any licensing  
13 Act administered by the Department may apply for restoration of  
14 that license, certification, or authority until 3 years after  
15 the effective date of the revocation.

16 (b) The Department may, when a fee is payable to the  
17 Department for a wall certificate of registration provided by  
18 the Department of Central Management Services, require that  
19 portion of the payment for printing and distribution costs be  
20 made directly or through the Department to the Department of  
21 Central Management Services for deposit into the Paper and  
22 Printing Revolving Fund. The remainder shall be deposited into  
23 the General Revenue Fund.

24 (c) For the purpose of securing and preparing evidence, and  
25 for the purchase of controlled substances, professional  
26 services, and equipment necessary for enforcement activities,

1 recoupment of investigative costs, and other activities  
2 directed at suppressing the misuse and abuse of controlled  
3 substances, including those activities set forth in Sections  
4 504 and 508 of the Illinois Controlled Substances Act, the  
5 Director and agents appointed and authorized by the Director  
6 may expend sums from the Professional Regulation Evidence Fund  
7 that the Director deems necessary from the amounts appropriated  
8 for that purpose. Those sums may be advanced to the agent when  
9 the Director deems that procedure to be in the public interest.  
10 Sums for the purchase of controlled substances, professional  
11 services, and equipment necessary for enforcement activities  
12 and other activities as set forth in this Section shall be  
13 advanced to the agent who is to make the purchase from the  
14 Professional Regulation Evidence Fund on vouchers signed by the  
15 Director. The Director and those agents are authorized to  
16 maintain one or more commercial checking accounts with any  
17 State banking corporation or corporations organized under or  
18 subject to the Illinois Banking Act for the deposit and  
19 withdrawal of moneys to be used for the purposes set forth in  
20 this Section; provided, that no check may be written nor any  
21 withdrawal made from any such account except upon the written  
22 signatures of 2 persons designated by the Director to write  
23 those checks and make those withdrawals. Vouchers for those  
24 expenditures must be signed by the Director. All such  
25 expenditures shall be audited by the Director, and the audit  
26 shall be submitted to the Department of Central Management

1 Services for approval.

2 (d) Whenever the Department is authorized or required by  
3 law to consider some aspect of criminal history record  
4 information for the purpose of carrying out its statutory  
5 powers and responsibilities, then, upon request and payment of  
6 fees in conformance with the requirements of Section 2605-400  
7 of the Department of State Police Law (20 ILCS 2605/2605-400),  
8 the Department of State Police is authorized to furnish,  
9 pursuant to positive identification, the information contained  
10 in State files that is necessary to fulfill the request.

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

14 (f) Beginning July 1, 1995, this Section does not apply to  
15 those professions, trades, and occupations licensed under the  
16 Real Estate License Act of 2000, nor does it apply to any  
17 permits, certificates, or other authorizations to do business  
18 provided for in the Land Sales Registration Act of 1989 or the  
19 Illinois Real Estate Time-Share Act.

20 (g) Notwithstanding anything that may appear in any  
21 individual licensing statute or administrative rule, the  
22 Department shall deny any license application or renewal  
23 authorized under any licensing Act administered by the  
24 Department to any person who has failed to file a return, or to  
25 pay the tax, penalty, or interest shown in a filed return, or  
26 to pay any final assessment of tax, penalty, or interest, as



1 required by any tax Act administered by the Illinois Department  
2 of Revenue, until such time as the requirement of any such tax  
3 Act are satisfied; however, the Department may issue a license  
4 or renewal if the person has established a satisfactory  
5 repayment record as determined by the Illinois Department of  
6 Revenue. For the purpose of this Section, "satisfactory  
7 repayment record" shall be defined by rule.

8 In addition, a complaint filed with the Department by the  
9 Illinois Department of Revenue that includes a certification,  
10 signed by its Director or designee, attesting to the amount of  
11 the unpaid tax liability or the years for which a return was  
12 not filed, or both, is prima facie evidence of the licensee's  
13 failure to comply with the tax laws administered by the  
14 Illinois Department of Revenue. Upon receipt of that  
15 certification, the Department shall, without a hearing,  
16 immediately suspend all licenses held by the licensee.  
17 Enforcement of the Department's order shall be stayed for 60  
18 days. The Department shall provide notice of the suspension to  
19 the licensee by mailing a copy of the Department's order by  
20 certified and regular mail to the licensee's last known address  
21 as registered with the Department. The notice shall advise the  
22 licensee that the suspension shall be effective 60 days after  
23 the issuance of the Department's order unless the Department  
24 receives, from the licensee, a request for a hearing before the  
25 Department to dispute the matters contained in the order.

26 Any suspension imposed under this subsection (g) shall be

1 terminated by the Department upon notification from the  
2 Illinois Department of Revenue that the licensee is in  
3 compliance with all tax laws administered by the Illinois  
4 Department of Revenue.

5 The Department shall promulgate rules for the  
6 administration of this subsection (g).

7 (h) The Department may grant the title "Retired", to be  
8 used immediately adjacent to the title of a profession  
9 regulated by the Department, to eligible retirees. The use of  
10 the title "Retired" shall not constitute representation of  
11 current licensure, registration, or certification. Any person  
12 without an active license, registration, or certificate in a  
13 profession that requires licensure, registration, or  
14 certification shall not be permitted to practice that  
15 profession.

16 (i) Within 180 days after December 23, 2009 (the effective  
17 date of Public Act 96-852), the Department shall promulgate  
18 rules which permit a person with a criminal record, who seeks a  
19 license or certificate in an occupation for which a criminal  
20 record is not expressly a per se bar, to apply to the  
21 Department for a non-binding, advisory opinion to be provided  
22 by the Board or body with the authority to issue the license or  
23 certificate as to whether his or her criminal record would bar  
24 the individual from the licensure or certification sought,  
25 should the individual meet all other licensure requirements  
26 including, but not limited to, the successful completion of the

1 relevant examinations.

2 (Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14;  
3 98-850, eff. 1-1-15.)

4 (20 ILCS 2105/2105-207)

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

6 (a) Any licensee subject to a licensing Act administered by  
7 the Division of Professional Regulation and who has been  
8 subject to disciplinary action by the Department may file an  
9 application with the Department on forms provided by the  
10 Department, along with the required fee of \$200, to have the  
11 records classified as confidential, not for public release and  
12 considered expunged for reporting purposes if:

13 (1) the application is submitted more than 7 years  
14 after the disciplinary offense or offenses occurred;

15 (2) the licensee has had no incidents of discipline  
16 under the licensing Act since the disciplinary offense or  
17 offenses identified in the application occurred;

18 (3) the Department has no pending investigations  
19 against the licensee; and

20 (4) the licensee is not currently in a disciplinary  
21 status.

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

25 (1) failure to pay taxes ~~or student loans;~~

- 1           (2) continuing education;
- 2           (3) failure to renew a license on time;
- 3           (4) failure to obtain or renew a certificate of
- 4 registration or ancillary license;
- 5           (5) advertising; or
- 6           (6) any grounds for discipline removed from the
- 7 licensing Act.

8           (c) An application shall be submitted to and considered by

9 the Director of the Division of Professional Regulation upon

10 submission of an application and the required non-refundable

11 fee. The Department may establish additional requirements by

12 rule. The Department is not required to report the removal of

13 any disciplinary record to any national database. Nothing in

14 this Section shall prohibit the Department from using a

15 previous discipline for any regulatory purpose or from

16 releasing records of a previous discipline upon request from

17 law enforcement, or other governmental body as permitted by

18 law. Classification of records as confidential shall result in

19 removal of records of discipline from records kept pursuant to

20 Sections 2105-200 and 2105-205 of this Act.

21 (Source: P.A. 98-816, eff. 8-1-14.)

22           (20 ILCS 3310/80 rep.)

23           Section 10. The Nuclear Safety Law of 2004 is amended by

24 repealing Section 80.

1 Section 15. The School Code is amended by changing Section  
2 21B-75 as follows:

3 (105 ILCS 5/21B-75)

4 Sec. 21B-75. Suspension or revocation of license.

5 (a) As used in this Section, "teacher" means any school  
6 district employee regularly required to be licensed, as  
7 provided in this Article, in order to teach or supervise in the  
8 public schools.

9 (b) The State Superintendent of Education has the exclusive  
10 authority, in accordance with this Section and any rules  
11 adopted by the State Board of Education, in consultation with  
12 the State Educator Preparation and Licensure Board, to initiate  
13 the suspension of up to 5 calendar years or revocation of any  
14 license issued pursuant to this Article for abuse or neglect of  
15 a child, immorality, a condition of health detrimental to the  
16 welfare of pupils, incompetency, unprofessional conduct (which  
17 includes the failure to disclose on an employment application  
18 any previous conviction for a sex offense, as defined in  
19 Section 21B-80 of this Code, or any other offense committed in  
20 any other state or against the laws of the United States that,  
21 if committed in this State, would be punishable as a sex  
22 offense, as defined in Section 21B-80 of this Code), the  
23 neglect of any professional duty, willful failure to report an  
24 instance of suspected child abuse or neglect as required by the  
25 Abused and Neglected Child Reporting Act, ~~failure to establish~~

1 ~~satisfactory repayment on an educational loan guaranteed by the~~  
2 ~~Illinois Student Assistance Commission,~~ or other just cause.

3 Unprofessional conduct shall include the refusal to attend or  
4 participate in institutes, teachers' meetings, or professional  
5 readings or to meet other reasonable requirements of the  
6 regional superintendent of schools or State Superintendent of  
7 Education. Unprofessional conduct also includes conduct that  
8 violates the standards, ethics, or rules applicable to the  
9 security, administration, monitoring, or scoring of or the  
10 reporting of scores from any assessment test or examination  
11 administered under Section 2-3.64a-5 of this Code or that is  
12 known or intended to produce or report manipulated or  
13 artificial, rather than actual, assessment or achievement  
14 results or gains from the administration of those tests or  
15 examinations. Unprofessional conduct shall also include  
16 neglect or unnecessary delay in the making of statistical and  
17 other reports required by school officers. Incompetency shall  
18 include, without limitation, 2 or more school terms of service  
19 for which the license holder has received an unsatisfactory  
20 rating on a performance evaluation conducted pursuant to  
21 Article 24A of this Code within a period of 7 school terms of  
22 service. In determining whether to initiate action against one  
23 or more licenses based on incompetency and the recommended  
24 sanction for such action, the State Superintendent shall  
25 consider factors that include without limitation all of the  
26 following:

1           (1) Whether the unsatisfactory evaluation ratings  
2 occurred prior to June 13, 2011 (the effective date of  
3 Public Act 97-8).

4           (2) Whether the unsatisfactory evaluation ratings  
5 occurred prior to or after the implementation date, as  
6 defined in Section 24A-2.5 of this Code, of an evaluation  
7 system for teachers in a school district.

8           (3) Whether the evaluator or evaluators who performed  
9 an unsatisfactory evaluation met the pre-licensure and  
10 training requirements set forth in Section 24A-3 of this  
11 Code.

12           (4) The time between the unsatisfactory evaluation  
13 ratings.

14           (5) The quality of the remediation plans associated  
15 with the unsatisfactory evaluation ratings and whether the  
16 license holder successfully completed the remediation  
17 plans.

18           (6) Whether the unsatisfactory evaluation ratings were  
19 related to the same or different assignments performed by  
20 the license holder.

21           (7) Whether one or more of the unsatisfactory  
22 evaluation ratings occurred in the first year of a teaching  
23 or administrative assignment.

24 When initiating an action against one or more licenses, the  
25 State Superintendent may seek required professional  
26 development as a sanction in lieu of or in addition to

1 suspension or revocation. Any such required professional  
2 development must be at the expense of the license holder, who  
3 may use, if available and applicable to the requirements  
4 established by administrative or court order, training,  
5 coursework, or other professional development funds in  
6 accordance with the terms of an applicable collective  
7 bargaining agreement entered into after June 13, 2011 (the  
8 effective date of Public Act 97-8), unless that agreement  
9 specifically precludes use of funds for such purpose.

10 (c) The State Superintendent of Education shall, upon  
11 receipt of evidence of abuse or neglect of a child, immorality,  
12 a condition of health detrimental to the welfare of pupils,  
13 incompetency (subject to subsection (b) of this Section),  
14 unprofessional conduct, the neglect of any professional duty,  
15 or other just cause, further investigate and, if and as  
16 appropriate, serve written notice to the individual and afford  
17 the individual opportunity for a hearing prior to suspension,  
18 revocation, or other sanction; provided that the State  
19 Superintendent is under no obligation to initiate such an  
20 investigation if the Department of Children and Family Services  
21 is investigating the same or substantially similar allegations  
22 and its child protective service unit has not made its  
23 determination, as required under Section 7.12 of the Abused and  
24 Neglected Child Reporting Act. If the State Superintendent of  
25 Education does not receive from an individual a request for a  
26 hearing within 10 days after the individual receives notice,



1 the suspension, revocation, or other sanction shall  
2 immediately take effect in accordance with the notice. If a  
3 hearing is requested within 10 days after notice of an  
4 opportunity for hearing, it shall act as a stay of proceedings  
5 until the State Educator Preparation and Licensure Board issues  
6 a decision. Any hearing shall take place in the educational  
7 service region where the educator is or was last employed and  
8 in accordance with rules adopted by the State Board of  
9 Education, in consultation with the State Educator Preparation  
10 and Licensure Board, and such rules shall include without  
11 limitation provisions for discovery and the sharing of  
12 information between parties prior to the hearing. The standard  
13 of proof for any administrative hearing held pursuant to this  
14 Section shall be by the preponderance of the evidence. The  
15 decision of the State Educator Preparation and Licensure Board  
16 is a final administrative decision and is subject to judicial  
17 review by appeal of either party.

18 The State Board of Education may refuse to issue or may  
19 suspend the license of any person who fails to file a return or  
20 to pay the tax, penalty, or interest shown in a filed return or  
21 to pay any final assessment of tax, penalty, or interest, as  
22 required by any tax Act administered by the Department of  
23 Revenue, until such time as the requirements of any such tax  
24 Act are satisfied.

25 The exclusive authority of the State Superintendent of  
26 Education to initiate suspension or revocation of a license

1 pursuant to this Section does not preclude a regional  
2 superintendent of schools from cooperating with the State  
3 Superintendent or a State's Attorney with respect to an  
4 investigation of alleged misconduct.

5 (d) The State Superintendent of Education or his or her  
6 designee may initiate and conduct such investigations as may be  
7 reasonably necessary to establish the existence of any alleged  
8 misconduct. At any stage of the investigation, the State  
9 Superintendent may issue a subpoena requiring the attendance  
10 and testimony of a witness, including the license holder, and  
11 the production of any evidence, including files, records,  
12 correspondence, or documents, relating to any matter in  
13 question in the investigation. The subpoena shall require a  
14 witness to appear at the State Board of Education at a  
15 specified date and time and shall specify any evidence to be  
16 produced. The license holder is not entitled to be present, but  
17 the State Superintendent shall provide the license holder with  
18 a copy of any recorded testimony prior to a hearing under this  
19 Section. Such recorded testimony must not be used as evidence  
20 at a hearing, unless the license holder has adequate notice of  
21 the testimony and the opportunity to cross-examine the witness.  
22 Failure of a license holder to comply with a duly issued,  
23 investigatory subpoena may be grounds for revocation,  
24 suspension, or denial of a license.

25 (e) All correspondence, documentation, and other  
26 information so received by the regional superintendent of

1 schools, the State Superintendent of Education, the State Board  
2 of Education, or the State Educator Preparation and Licensure  
3 Board under this Section is confidential and must not be  
4 disclosed to third parties, except (i) as necessary for the  
5 State Superintendent of Education or his or her designee to  
6 investigate and prosecute pursuant to this Article, (ii)  
7 pursuant to a court order, (iii) for disclosure to the license  
8 holder or his or her representative, or (iv) as otherwise  
9 required in this Article and provided that any such information  
10 admitted into evidence in a hearing is exempt from this  
11 confidentiality and non-disclosure requirement.

12 (f) The State Superintendent of Education or a person  
13 designated by him or her shall have the power to administer  
14 oaths to witnesses at any hearing conducted before the State  
15 Educator Preparation and Licensure Board pursuant to this  
16 Section. The State Superintendent of Education or a person  
17 designated by him or her is authorized to subpoena and bring  
18 before the State Educator Preparation and Licensure Board any  
19 person in this State and to take testimony either orally or by  
20 deposition or by exhibit, with the same fees and mileage and in  
21 the same manner as prescribed by law in judicial proceedings in  
22 civil cases in circuit courts of this State.

23 (g) Any circuit court, upon the application of the State  
24 Superintendent of Education or the license holder, may, by  
25 order duly entered, require the attendance of witnesses and the  
26 production of relevant books and papers as part of any

1 investigation or at any hearing the State Educator Preparation  
2 and Licensure Board is authorized to conduct pursuant to this  
3 Section, and the court may compel obedience to its orders by  
4 proceedings for contempt.

5 (h) The State Board of Education shall receive an annual  
6 line item appropriation to cover fees associated with the  
7 investigation and prosecution of alleged educator misconduct  
8 and hearings related thereto.

9 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.  
10 6-13-11; 97-813, eff. 7-13-12; 98-972, eff. 8-15-14.)

11 Section 20. The Illinois Insurance Code is amended by  
12 changing Section 500-70 as follows:

13 (215 ILCS 5/500-70)

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

15 Sec. 500-70. License denial, nonrenewal, or revocation.

16 (a) The Director may place on probation, suspend, revoke,  
17 or refuse to issue or renew an insurance producer's license or  
18 may levy a civil penalty in accordance with this Section or  
19 take any combination of actions, for any one or more of the  
20 following causes:

21 (1) providing incorrect, misleading, incomplete, or  
22 materially untrue information in the license application;

23 (2) violating any insurance laws, or violating any  
24 rule, subpoena, or order of the Director or of another

1 state's insurance commissioner;

2 (3) obtaining or attempting to obtain a license through  
3 misrepresentation or fraud;

4 (4) improperly withholding, misappropriating or  
5 converting any moneys or properties received in the course  
6 of doing insurance business;

7 (5) intentionally misrepresenting the terms of an  
8 actual or proposed insurance contract or application for  
9 insurance;

10 (6) having been convicted of a felony;

11 (7) having admitted or been found to have committed any  
12 insurance unfair trade practice or fraud;

13 (8) using fraudulent, coercive, or dishonest  
14 practices, or demonstrating incompetence,  
15 untrustworthiness or financial irresponsibility in the  
16 conduct of business in this State or elsewhere;

17 (9) having an insurance producer license, or its  
18 equivalent, denied, suspended, or revoked in any other  
19 state, province, district or territory;

20 (10) forging a name to an application for insurance or  
21 to a document related to an insurance transaction;

22 (11) improperly using notes or any other reference  
23 material to complete an examination for an insurance  
24 license;

25 (12) knowingly accepting insurance business from an  
26 individual who is not licensed;

1 (13) failing to comply with an administrative or court  
2 order imposing a child support obligation;

3 (14) failing to pay state income tax or penalty or  
4 interest or comply with any administrative or court order  
5 directing payment of state income tax or failed to file a  
6 return or to pay any final assessment of any tax due to the  
7 Department of Revenue;

8 (15) (blank) ~~failing to make satisfactory repayment to~~  
9 ~~the Illinois Student Assistance Commission for a~~  
10 ~~delinquent or defaulted student loan; or~~

11 (16) failing to comply with any provision of the  
12 Viatical Settlements Act of 2009.

13 (b) If the action by the Director is to nonrenew, suspend,  
14 or revoke a license or to deny an application for a license,  
15 the Director shall notify the applicant or licensee and advise,  
16 in writing, the applicant or licensee of the reason for the  
17 suspension, revocation, denial or nonrenewal of the  
18 applicant's or licensee's license. The applicant or licensee  
19 may make written demand upon the Director within 30 days after  
20 the date of mailing for a hearing before the Director to  
21 determine the reasonableness of the Director's action. The  
22 hearing must be held within not fewer than 20 days nor more  
23 than 30 days after the mailing of the notice of hearing and  
24 shall be held pursuant to 50 Ill. Adm. Code 2402.

25 (c) The license of a business entity may be suspended,  
26 revoked, or refused if the Director finds, after hearing, that

1 an individual licensee's violation was known or should have  
2 been known by one or more of the partners, officers, or  
3 managers acting on behalf of the partnership, corporation,  
4 limited liability company, or limited liability partnership  
5 and the violation was neither reported to the Director nor  
6 corrective action taken.

7 (d) In addition to or instead of any applicable denial,  
8 suspension, or revocation of a license, a person may, after  
9 hearing, be subject to a civil penalty of up to \$10,000 for  
10 each cause for denial, suspension, or revocation, however, the  
11 civil penalty may total no more than \$100,000.

12 (e) The Director has the authority to enforce the  
13 provisions of and impose any penalty or remedy authorized by  
14 this Article against any person who is under investigation for  
15 or charged with a violation of this Code or rules even if the  
16 person's license or registration has been surrendered or has  
17 lapsed by operation of law.

18 (f) Upon the suspension, denial, or revocation of a  
19 license, the licensee or other person having possession or  
20 custody of the license shall promptly deliver it to the  
21 Director in person or by mail. The Director shall publish all  
22 suspensions, denials, or revocations after the suspensions,  
23 denials, or revocations become final in a manner designed to  
24 notify interested insurance companies and other persons.

25 (g) A person whose license is revoked or whose application  
26 is denied pursuant to this Section is ineligible to apply for

1 any license for 3 years after the revocation or denial. A  
2 person whose license as an insurance producer has been revoked,  
3 suspended, or denied may not be employed, contracted, or  
4 engaged in any insurance related capacity during the time the  
5 revocation, suspension, or denial is in effect.

6 (Source: P.A. 96-736, eff. 7-1-10.)

7 Section 25. The Dietitian Nutritionist Practice Act is  
8 amended by changing Section 95 as follows:

9 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 95. Grounds for discipline.

12 (1) The Department may refuse to issue or renew, or may  
13 revoke, suspend, place on probation, reprimand, or take other  
14 disciplinary or non-disciplinary action as the Department may  
15 deem appropriate, including imposing fines not to exceed  
16 \$10,000 for each violation, with regard to any license or  
17 certificate for any one or combination of the following causes:

18 (a) Material misstatement in furnishing information to  
19 the Department.

20 (b) Violations of this Act or of rules adopted under  
21 this Act.

22 (c) Conviction by plea of guilty or nolo contendere,  
23 finding of guilt, jury verdict, or entry of judgment or by  
24 sentencing of any crime, including, but not limited to,



1 convictions, preceding sentences of supervision,  
2 conditional discharge, or first offender probation, under  
3 the laws of any jurisdiction of the United States (i) that  
4 is a felony or (ii) that is a misdemeanor, an essential  
5 element of which is dishonesty, or that is directly related  
6 to the practice of the profession.

7 (d) Fraud or any misrepresentation in applying for or  
8 procuring a license under this Act or in connection with  
9 applying for renewal of a license under this Act.

10 (e) Professional incompetence or gross negligence.

11 (f) Malpractice.

12 (g) Aiding or assisting another person in violating any  
13 provision of this Act or its rules.

14 (h) Failing to provide information within 60 days in  
15 response to a written request made by the Department.

16 (i) Engaging in dishonorable, unethical or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public.

19 (j) Habitual or excessive use or abuse of drugs defined  
20 in law as controlled substances, alcohol, or any other  
21 substance that results in the inability to practice with  
22 reasonable judgment, skill, or safety.

23 (k) Discipline by another state, the District of  
24 Columbia, territory, country, or governmental agency if at  
25 least one of the grounds for the discipline is the same or  
26 substantially equivalent to those set forth in this Act.

1           (1) Charging for professional services not rendered,  
2 including filing false statements for the collection of  
3 fees for which services are not rendered. Nothing in this  
4 paragraph (1) affects any bona fide independent contractor  
5 or employment arrangements among health care  
6 professionals, health facilities, health care providers,  
7 or other entities, except as otherwise prohibited by law.  
8 Any employment arrangements may include provisions for  
9 compensation, health insurance, pension, or other  
10 employment benefits for the provision of services within  
11 the scope of the licensee's practice under this Act.  
12 Nothing in this paragraph (1) shall be construed to require  
13 an employment arrangement to receive professional fees for  
14 services rendered.

15           (m) A finding by the Department that the licensee,  
16 after having his or her license placed on probationary  
17 status, has violated the terms of probation.

18           (n) Willfully making or filing false records or reports  
19 in his or her practice, including, but not limited to,  
20 false records filed with State agencies or departments.

21           (o) Allowing one's license under this Act to be used by  
22 an unlicensed person in violation of this Act.

23           (p) Practicing under a false or, except as provided by  
24 law, an assumed name.

25           (q) Gross and willful overcharging for professional  
26 services.

1 (r) (Blank).

2 (s) Willfully failing to report an instance of  
3 suspected child abuse or neglect as required by the Abused  
4 and Neglected Child Reporting Act.

5 (t) Cheating on or attempting to subvert a licensing  
6 examination administered under this Act.

7 (u) Mental illness or disability that results in the  
8 inability to practice under this Act with reasonable  
9 judgment, skill, or safety.

10 (v) Physical illness, including, but not limited to,  
11 deterioration through the aging process or loss of motor  
12 skill that results in a licensee's inability to practice  
13 under this Act with reasonable judgment, skill, or safety.

14 (w) Advising an individual to discontinue, reduce,  
15 increase, or otherwise alter the intake of a drug  
16 prescribed by a physician licensed to practice medicine in  
17 all its branches or by a prescriber as defined in Section  
18 102 of the Illinois Controlled Substances Act.

19 (2) The Department may refuse to issue or may suspend  
20 without hearing, as provided for in the Code of Civil  
21 Procedure, the license of any person who fails to file a  
22 return, or pay the tax, penalty, or interest shown in a filed  
23 return, or pay any final assessment of the tax, penalty, or  
24 interest as required by any tax Act administered by the  
25 Illinois Department of Revenue, until such time as the  
26 requirements of any such tax Act are satisfied in accordance

1 with subsection (g) of Section 2105-15 of the Civil  
2 Administrative Code of Illinois.

3 (3) (Blank) ~~The Department shall deny a license or renewal~~  
4 ~~authorized by this Act to a person who has defaulted on an~~  
5 ~~educational loan or scholarship provided or guaranteed by the~~  
6 ~~Illinois Student Assistance Commission or any governmental~~  
7 ~~agency of this State in accordance with item (5) of subsection~~  
8 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~  
9 ~~Illinois.~~

10 (4) In cases where the Department of Healthcare and Family  
11 Services has previously determined a licensee or a potential  
12 licensee is more than 30 days delinquent in the payment of  
13 child support and has subsequently certified the delinquency to  
14 the Department, the Department may refuse to issue or renew or  
15 may revoke or suspend that person's license or may take other  
16 disciplinary action against that person based solely upon the  
17 certification of delinquency made by the Department of  
18 Healthcare and Family Services in accordance with item (5) of  
19 subsection (a) of Section 2105-15 of the Civil Administrative  
20 Code of Illinois.

21 (5) The determination by a circuit court that a licensee is  
22 subject to involuntary admission or judicial admission, as  
23 provided in the Mental Health and Developmental Disabilities  
24 Code, operates as an automatic suspension. The suspension shall  
25 end only upon a finding by a court that the patient is no  
26 longer subject to involuntary admission or judicial admission

1 and the issuance of an order so finding and discharging the  
2 patient.

3 (6) In enforcing this Act, the Department, upon a showing  
4 of a possible violation, may compel an individual licensed to  
5 practice under this Act, or who has applied for licensure under  
6 this Act, to submit to a mental or physical examination, or  
7 both, as required by and at the expense of the Department. The  
8 Department may order the examining physician to present  
9 testimony concerning the mental or physical examination of the  
10 licensee or applicant. No information shall be excluded by  
11 reason of any common law or statutory privilege relating to  
12 communications between the licensee or applicant and the  
13 examining physician. The examining physicians shall be  
14 specifically designated by the Department. The individual to be  
15 examined may have, at his or her own expense, another physician  
16 of his or her choice present during all aspects of this  
17 examination. The examination shall be performed by a physician  
18 licensed to practice medicine in all its branches. Failure of  
19 an individual to submit to a mental or physical examination,  
20 when directed, shall result in an automatic suspension without  
21 hearing.

22 A person holding a license under this Act or who has  
23 applied for a license under this Act who, because of a physical  
24 or mental illness or disability, including, but not limited to,  
25 deterioration through the aging process or loss of motor skill,  
26 is unable to practice the profession with reasonable judgment,

1 skill, or safety, may be required by the Department to submit  
2 to care, counseling, or treatment by physicians approved or  
3 designated by the Department as a condition, term, or  
4 restriction for continued, reinstated, or renewed licensure to  
5 practice. Submission to care, counseling, or treatment as  
6 required by the Department shall not be considered discipline  
7 of a license. If the licensee refuses to enter into a care,  
8 counseling, or treatment agreement or fails to abide by the  
9 terms of the agreement, then the Department may file a  
10 complaint to revoke, suspend, or otherwise discipline the  
11 license of the individual. The Secretary may order the license  
12 suspended immediately, pending a hearing by the Department.  
13 Fines shall not be assessed in disciplinary actions involving  
14 physical or mental illness or impairment.

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 Department within 15 days after  
18 the suspension and completed without appreciable delay. The  
19 Department shall have the authority to review the subject  
20 individual's record of treatment and counseling regarding the  
21 impairment to the extent permitted by applicable federal  
22 statutes and regulations safeguarding the confidentiality of  
23 medical records.

24 An individual licensed under this Act and affected under  
25 this Section shall be afforded an opportunity to demonstrate to  
26 the Department that he or she can resume practice in compliance

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

3 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;  
4 98-756, eff. 7-16-14.)

5 Section 30. The Environmental Health Practitioner  
6 Licensing Act is amended by changing Section 35 as follows:

7 (225 ILCS 37/35)

8 (Section scheduled to be repealed on January 1, 2019)

9 Sec. 35. Grounds for discipline.

10 (a) The Department may refuse to issue or renew, or may  
11 revoke, suspend, place on probation, reprimand, or take other  
12 disciplinary action with regard to any license issued under  
13 this Act as the Department may consider proper, including the  
14 imposition of fines not to exceed \$5,000 for each violation,  
15 for any one or combination of the following causes:

16 (1) Material misstatement in furnishing information to  
17 the Department.

18 (2) Violations of this Act or its rules.

19 (3) Conviction of any felony under the laws of any U.S.  
20 jurisdiction, any misdemeanor an essential element of  
21 which is dishonesty, or any crime that is directly related  
22 to the practice of the profession.

23 (4) Making any misrepresentation for the purpose of  
24 obtaining a certificate of registration.

1 (5) Professional incompetence.

2 (6) Aiding or assisting another person in violating any  
3 provision of this Act or its rules.

4 (7) Failing to provide information within 60 days in  
5 response to a written request made by the Department.

6 (8) Engaging in dishonorable, unethical, or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud, or harm the public as defined by rules of the  
9 Department.

10 (9) Habitual or excessive use or addiction to alcohol,  
11 narcotics, stimulants, or any other chemical agent or drug  
12 that results in an environmental health practitioner's  
13 inability to practice with reasonable judgment, skill, or  
14 safety.

15 (10) Discipline by another U.S. jurisdiction or  
16 foreign nation, if at least one of the grounds for a  
17 discipline is the same or substantially equivalent to those  
18 set forth in this Act.

19 (11) A finding by the Department that the registrant,  
20 after having his or her license placed on probationary  
21 status, has violated the terms of probation.

22 (12) Willfully making or filing false records or  
23 reports in his or her practice, including, but not limited  
24 to, false records filed with State agencies or departments.

25 (13) Physical illness, including, but not limited to,  
26 deterioration through the aging process or loss of motor



1 skills that result in the inability to practice the  
2 profession with reasonable judgment, skill, or safety.

3 (14) Failure to comply with rules promulgated by the  
4 Illinois Department of Public Health or other State  
5 agencies related to the practice of environmental health.

6 (15) (Blank) ~~The Department shall deny any application~~  
7 ~~for a license or renewal of a license under this Act,~~  
8 ~~without hearing, to a person who has defaulted on an~~  
9 ~~educational loan guaranteed by the Illinois Student~~  
10 ~~Assistance Commission; however, the Department may issue a~~  
11 ~~license or renewal of a license if the person in default~~  
12 ~~has established a satisfactory repayment record as~~  
13 ~~determined by the Illinois Student Assistance Commission.~~

14 (16) Solicitation of professional services by using  
15 false or misleading advertising.

16 (17) A finding that the license has been applied for or  
17 obtained by fraudulent means.

18 (18) Practicing or attempting to practice under a name  
19 other than the full name as shown on the license or any  
20 other legally authorized name.

21 (19) Gross overcharging for professional services  
22 including filing statements for collection of fees or  
23 moneys for which services are not rendered.

24 (b) The Department may refuse to issue or may suspend the  
25 license of any person who fails to (i) file a return, (ii) pay  
26 the tax, penalty, or interest shown in a filed return; or (iii)

1 pay any final assessment of the tax, penalty, or interest as  
2 required by any tax Act administered by the Illinois Department  
3 of Revenue until the requirements of the tax Act are satisfied.

4 (c) The determination by a circuit court that a licensee is  
5 subject to involuntary admission or judicial admission to a  
6 mental health facility as provided in the Mental Health and  
7 Developmental Disabilities Code operates as an automatic  
8 suspension. The suspension may end only upon a finding by a  
9 court that the licensee is no longer subject to involuntary  
10 admission or judicial admission, the issuance of an order so  
11 finding and discharging the patient, and the recommendation of  
12 the Board to the Director that the licensee be allowed to  
13 resume practice.

14 (d) In enforcing this Section, the Department, upon a  
15 showing of a possible violation, may compel any person licensed  
16 to practice under this Act or who has applied for licensure or  
17 certification pursuant to this Act to submit to a mental or  
18 physical examination, or both, as required by and at the  
19 expense of the Department. The examining physicians shall be  
20 those specifically designated by the Department. The  
21 Department may order the examining physician to present  
22 testimony concerning this mental or physical examination of the  
23 licensee or applicant. No information shall be excluded by  
24 reason of any common law or statutory privilege relating to  
25 communications between the licensee or applicant and the  
26 examining physician. The person to be examined may have, at his

1 or her own expense, another physician of his or her choice  
2 present during all aspects of the examination. Failure of any  
3 person to submit to a mental or physical examination, when  
4 directed, shall be grounds for suspension of a license until  
5 the person submits to the examination if the Department finds,  
6 after notice and hearing, that the refusal to submit to the  
7 examination was without reasonable cause.

8 If the Department finds an individual unable to practice  
9 because of the reasons set forth in this Section, the  
10 Department may require that individual to submit to care,  
11 counseling, or treatment by physicians approved or designated  
12 by the Department, as a condition, term, or restriction for  
13 continued, reinstated, or renewed licensure to practice or, in  
14 lieu of care, counseling, or treatment, the Department may file  
15 a complaint to immediately suspend, revoke, or otherwise  
16 discipline the license of the individual.

17 Any person whose license was granted, continued,  
18 reinstated, renewed, disciplined, or supervised subject to  
19 such terms, conditions, or restrictions and who fails to comply  
20 with such terms, conditions, or restrictions shall be referred  
21 to the Director for a determination as to whether the person  
22 shall have his or her license suspended immediately, pending a  
23 hearing by the Department.

24 In instances in which the Director immediately suspends a  
25 person's license under this Section, a hearing on that person's  
26 license must be convened by the Department within 15 days after

1 the suspension and completed without appreciable delay. The  
2 Department shall have the authority to review the subject  
3 person's record of treatment and counseling regarding the  
4 impairment, to the extent permitted by applicable federal  
5 statutes and regulations safeguarding the confidentiality of  
6 medical records.

7 A person licensed under this Act and affected under this  
8 Section shall be afforded an opportunity to demonstrate to the  
9 Department that he or she can resume practice in compliance  
10 with acceptable and prevailing standards under the provisions  
11 of his or her license.

12 (Source: P.A. 92-837, eff. 8-22-02.)

13 Section 35. The Funeral Directors and Embalmers Licensing  
14 Code is amended by changing Section 15-75 as follows:

15 (225 ILCS 41/15-75)

16 (Section scheduled to be repealed on January 1, 2023)

17 Sec. 15-75. Violations; grounds for discipline; penalties.

18 (a) Each of the following acts is a Class A misdemeanor for  
19 the first offense, and a Class 4 felony for each subsequent  
20 offense. These penalties shall also apply to unlicensed owners  
21 of funeral homes.

22 (1) Practicing the profession of funeral directing and  
23 embalming or funeral directing, or attempting to practice  
24 the profession of funeral directing and embalming or

1 funeral directing without a license as a funeral director  
2 and embalmer or funeral director.

3 (2) Serving or attempting to serve as an intern under a  
4 licensed funeral director and embalmer without a license as  
5 a licensed funeral director and embalmer intern.

6 (3) Obtaining or attempting to obtain a license,  
7 practice or business, or any other thing of value, by fraud  
8 or misrepresentation.

9 (4) Permitting any person in one's employ, under one's  
10 control or in or under one's service to serve as a funeral  
11 director and embalmer, funeral director, or funeral  
12 director and embalmer intern when the person does not have  
13 the appropriate license.

14 (5) Failing to display a license as required by this  
15 Code.

16 (6) Giving false information or making a false oath or  
17 affidavit required by this Code.

18 (b) The Department may refuse to issue or renew, revoke,  
19 suspend, place on probation or administrative supervision,  
20 reprimand, or take other disciplinary or non-disciplinary  
21 action as the Department may deem appropriate, including  
22 imposing fines not to exceed \$10,000 for each violation, with  
23 regard to any license under the Code for any one or combination  
24 of the following:

25 (1) Fraud or any misrepresentation in applying for or  
26 procuring a license under this Code or in connection with

1 applying for renewal of a license under this Code.

2 (2) Conviction by plea of guilty or nolo contendere,  
3 finding of guilt, jury verdict, or entry of judgment or by  
4 sentencing of any crime, including, but not limited to,  
5 convictions, preceding sentences of supervision,  
6 conditional discharge, or first offender probation, under  
7 the laws of any jurisdiction of the United States: (i) that  
8 is a felony or (ii) that is a misdemeanor, an essential  
9 element of which is dishonesty, or that is directly related  
10 to the practice of the profession.

11 (3) Violation of the laws of this State relating to the  
12 funeral, burial or disposition of deceased human bodies or  
13 of the rules and regulations of the Department, or the  
14 Department of Public Health.

15 (4) Directly or indirectly paying or causing to be paid  
16 any sum of money or other valuable consideration for the  
17 securing of business or for obtaining authority to dispose  
18 of any deceased human body.

19 (5) Professional incompetence, gross negligence,  
20 malpractice, or untrustworthiness in the practice of  
21 funeral directing and embalming or funeral directing.

22 (6) (Blank).

23 (7) Engaging in, promoting, selling, or issuing burial  
24 contracts, burial certificates, or burial insurance  
25 policies in connection with the profession as a funeral  
26 director and embalmer, funeral director, or funeral

1 director and embalmer intern in violation of any laws of  
2 the State of Illinois.

3 (8) Refusing, without cause, to surrender the custody  
4 of a deceased human body upon the proper request of the  
5 person or persons lawfully entitled to the custody of the  
6 body.

7 (9) Taking undue advantage of a client or clients as to  
8 amount to the perpetration of fraud.

9 (10) Engaging in funeral directing and embalming or  
10 funeral directing without a license.

11 (11) Encouraging, requesting, or suggesting by a  
12 licensee or some person working on his behalf and with his  
13 consent for compensation that a person utilize the services  
14 of a certain funeral director and embalmer, funeral  
15 director, or funeral establishment unless that information  
16 has been expressly requested by the person. This does not  
17 prohibit general advertising or pre-need solicitation.

18 (12) Making or causing to be made any false or  
19 misleading statements about the laws concerning the  
20 disposition of human remains, including, but not limited  
21 to, the need to embalm, the need for a casket for cremation  
22 or the need for an outer burial container.

23 (13) (Blank).

24 (14) Embalming or attempting to embalm a deceased human  
25 body without express prior authorization of the person  
26 responsible for making the funeral arrangements for the

1 body. This does not apply to cases where embalming is  
2 directed by local authorities who have jurisdiction or when  
3 embalming is required by State or local law. A licensee may  
4 embalm without express prior authorization if a good faith  
5 effort has been made to contact family members and has been  
6 unsuccessful and the licensee has no reason to believe the  
7 family opposes embalming.

8 (15) Making a false statement on a Certificate of Death  
9 where the person making the statement knew or should have  
10 known that the statement was false.

11 (16) Soliciting human bodies after death or while death  
12 is imminent.

13 (17) Performing any act or practice that is a violation  
14 of this Code, the rules for the administration of this  
15 Code, or any federal, State or local laws, rules, or  
16 regulations governing the practice of funeral directing or  
17 embalming.

18 (18) Performing any act or practice that is a violation  
19 of Section 2 of the Consumer Fraud and Deceptive Business  
20 Practices Act.

21 (19) Engaging in dishonorable, unethical, or  
22 unprofessional conduct of a character likely to deceive,  
23 defraud or harm the public.

24 (20) Taking possession of a dead human body without  
25 having first obtained express permission from the person  
26 holding the right to control the disposition in accordance



1 with Section 5 of the Disposition of Remains Act or a  
2 public agency legally authorized to direct, control or  
3 permit the removal of deceased human bodies.

4 (21) Advertising in a false or misleading manner or  
5 advertising using the name of an unlicensed person in  
6 connection with any service being rendered in the practice  
7 of funeral directing or funeral directing and embalming.  
8 The use of any name of an unlicensed or unregistered person  
9 in an advertisement so as to imply that the person will  
10 perform services is considered misleading advertising.  
11 Nothing in this paragraph shall prevent including the name  
12 of any owner, officer or corporate director of a funeral  
13 home, who is not a licensee, in any advertisement used by a  
14 funeral home with which the individual is affiliated, if  
15 the advertisement specifies the individual's affiliation  
16 with the funeral home.

17 (22) Charging for professional services not rendered,  
18 including filing false statements for the collection of  
19 fees for which services are not rendered.

20 (23) Failing to account for or remit any monies,  
21 documents, or personal property that belongs to others that  
22 comes into a licensee's possession.

23 (24) Treating any person differently to his detriment  
24 because of race, color, creed, gender, religion, or  
25 national origin.

26 (25) Knowingly making any false statements, oral or

1 otherwise, of a character likely to influence, persuade or  
2 induce others in the course of performing professional  
3 services or activities.

4 (26) Willfully making or filing false records or  
5 reports in the practice of funeral directing and embalming,  
6 including, but not limited to, false records filed with  
7 State agencies or departments.

8 (27) Failing to acquire continuing education required  
9 under this Code.

10 (28) (Blank).

11 (29) Aiding or assisting another person in violating  
12 any provision of this Code or rules adopted pursuant to  
13 this Code.

14 (30) Failing within 10 days, to provide information in  
15 response to a written request made by the Department.

16 (31) Discipline by another state, District of  
17 Columbia, territory, foreign nation, or governmental  
18 agency, if at least one of the grounds for the discipline  
19 is the same or substantially equivalent to those set forth  
20 in this Section.

21 (32) (Blank).

22 (33) Mental illness or disability which results in the  
23 inability to practice the profession with reasonable  
24 judgment, skill, or safety.

25 (34) Gross, willful, or continued overcharging for  
26 professional services, including filing false statements

1 for collection of fees for which services are not rendered.

2 (35) Physical illness, including, but not limited to,  
3 deterioration through the aging process or loss of motor  
4 skill which results in a licensee's inability to practice  
5 under this Code with reasonable judgment, skill, or safety.

6 (36) Failing to comply with any of the following  
7 required activities:

8 (A) When reasonably possible, a funeral director  
9 licensee or funeral director and embalmer licensee or  
10 anyone acting on his or her behalf shall obtain the  
11 express authorization of the person or persons  
12 responsible for making the funeral arrangements for a  
13 deceased human body prior to removing a body from the  
14 place of death or any place it may be or embalming or  
15 attempting to embalm a deceased human body, unless  
16 required by State or local law. This requirement is  
17 waived whenever removal or embalming is directed by  
18 local authorities who have jurisdiction. If the  
19 responsibility for the handling of the remains  
20 lawfully falls under the jurisdiction of a public  
21 agency, then the regulations of the public agency shall  
22 prevail.

23 (B) A licensee shall clearly mark the price of any  
24 casket offered for sale or the price of any service  
25 using the casket on or in the casket if the casket is  
26 displayed at the funeral establishment. If the casket

1 is displayed at any other location, regardless of  
2 whether the licensee is in control of that location,  
3 the casket shall be clearly marked and the registrant  
4 shall use books, catalogues, brochures, or other  
5 printed display aids to show the price of each casket  
6 or service.

7 (C) At the time funeral arrangements are made and  
8 prior to rendering the funeral services, a licensee  
9 shall furnish a written statement of services to be  
10 retained by the person or persons making the funeral  
11 arrangements, signed by both parties, that shall  
12 contain: (i) the name, address and telephone number of  
13 the funeral establishment and the date on which the  
14 arrangements were made; (ii) the price of the service  
15 selected and the services and merchandise included for  
16 that price; (iii) a clear disclosure that the person or  
17 persons making the arrangement may decline and receive  
18 credit for any service or merchandise not desired and  
19 not required by law or the funeral director or the  
20 funeral director and embalmer; (iv) the supplemental  
21 items of service and merchandise requested and the  
22 price of each item; (v) the terms or method of payment  
23 agreed upon; and (vi) a statement as to any monetary  
24 advances made by the registrant on behalf of the  
25 family. The licensee shall maintain a copy of the  
26 written statement of services in its permanent

1 records. All written statements of services are  
2 subject to inspection by the Department.

3 (D) In all instances where the place of final  
4 disposition of a deceased human body or the cremated  
5 remains of a deceased human body is a cemetery, the  
6 licensed funeral director and embalmer, or licensed  
7 funeral director, who has been engaged to provide  
8 funeral or embalming services shall remain at the  
9 cemetery and personally witness the placement of the  
10 human remains in their designated grave or the sealing  
11 of the above ground depository, crypt, or urn. The  
12 licensed funeral director or licensed funeral director  
13 and embalmer may designate a licensed funeral director  
14 and embalmer intern or representative of the funeral  
15 home to be his or her witness to the placement of the  
16 remains. If the cemetery authority, cemetery manager,  
17 or any other agent of the cemetery takes any action  
18 that prevents compliance with this paragraph (D), then  
19 the funeral director and embalmer or funeral director  
20 shall provide written notice to the Department within 5  
21 business days after failing to comply. If the  
22 Department receives this notice, then the Department  
23 shall not take any disciplinary action against the  
24 funeral director and embalmer or funeral director for a  
25 violation of this paragraph (D) unless the Department  
26 finds that the cemetery authority, manager, or any

1 other agent of the cemetery did not prevent the funeral  
2 director and embalmer or funeral director from  
3 complying with this paragraph (D) as claimed in the  
4 written notice.

5 (E) A funeral director or funeral director and  
6 embalmer shall fully complete the portion of the  
7 Certificate of Death under the responsibility of the  
8 funeral director or funeral director and embalmer and  
9 provide all required information. In the event that any  
10 reported information subsequently changes or proves  
11 incorrect, a funeral director or funeral director and  
12 embalmer shall immediately upon learning the correct  
13 information correct the Certificate of Death.

14 (37) A finding by the Department that the license,  
15 after having his or her license placed on probationary  
16 status or subjected to conditions or restrictions,  
17 violated the terms of the probation or failed to comply  
18 with such terms or conditions.

19 (38) (Blank).

20 (39) 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, being  
24 found to have caused a child to be an abused child or  
25 neglected child as defined in the Abused and Neglected  
26 Child Reporting Act.

1           (40) Habitual or excessive use or abuse of drugs  
2 defined in law as controlled substances, alcohol, or any  
3 other substance which results in the inability to practice  
4 with reasonable judgment, skill, or safety.

5           (41) Practicing under a false or, except as provided by  
6 law, an assumed name.

7           (42) Cheating on or attempting to subvert the licensing  
8 examination administered under this Code.

9           (c) The Department may refuse to issue or renew or may  
10 suspend without a hearing, as provided for in the Department of  
11 Professional Regulation Law of the Civil Administrative Code of  
12 Illinois, the license of any person who fails to file a return,  
13 to pay the tax, penalty or interest shown in a filed return, or  
14 to pay any final assessment of tax, penalty or interest as  
15 required by any tax Act administered by the Illinois Department  
16 of Revenue, until the time as the requirements of the tax Act  
17 are satisfied in accordance with subsection (g) of Section  
18 2105-15 of the Department of Professional Regulation Law of the  
19 Civil Administrative Code of Illinois.

20           (d) No action may be taken under this Code against a person  
21 licensed under this Code unless the action is commenced within  
22 5 years after the occurrence of the alleged violations. A  
23 continuing violation shall be deemed to have occurred on the  
24 date when the circumstances last existed that give rise to the  
25 alleged violation.

26           (e) Nothing in this Section shall be construed or enforced

1 to give a funeral director and embalmer, or his or her  
2 designees, authority over the operation of a cemetery or over  
3 cemetery employees. Nothing in this Section shall be construed  
4 or enforced to impose duties or penalties on cemeteries with  
5 respect to the timing of the placement of human remains in  
6 their designated grave or the sealing of the above ground  
7 depository, crypt, or urn due to patron safety, the allocation  
8 of cemetery staffing, liability insurance, a collective  
9 bargaining agreement, or other such reasons.

10 (f) All fines imposed under this Section shall be paid 60  
11 days after the effective date of the order imposing the fine.

12 (g) (Blank) ~~The Department shall deny a license or renewal~~  
13 ~~authorized by this Code to a person who has defaulted on an~~  
14 ~~educational loan or scholarship provided or guaranteed by the~~  
15 ~~Illinois Student Assistance Commission or any governmental~~  
16 ~~agency of this State in accordance with item (5) of subsection~~  
17 ~~(a) of Section 2105 15 of the Department of Professional~~  
18 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

19 (h) In cases where the Department of Healthcare and Family  
20 Services has previously determined a licensee or a potential  
21 licensee is more than 30 days delinquent in the payment of  
22 child support and has subsequently certified the delinquency to  
23 the Department, the Department may refuse to issue or renew or  
24 may revoke or suspend that person's license or may take other  
25 disciplinary action against that person based solely upon the  
26 certification of delinquency made by the Department of



1 Healthcare and Family Services in accordance with item (5) of  
2 subsection (a) of Section 2105-15 of the Department of  
3 Professional Regulation Law of the Civil Administrative Code of  
4 Illinois.

5 (i) A person not licensed under this Code who is an owner  
6 of a funeral establishment or funeral business shall not aid,  
7 abet, assist, procure, advise, employ, or contract with any  
8 unlicensed person to offer funeral services or aid, abet,  
9 assist, or direct any licensed person contrary to or in  
10 violation of any rules or provisions of this Code. A person  
11 violating this subsection shall be treated as a licensee for  
12 the purposes of disciplinary action under this Section and  
13 shall be subject to cease and desist orders as provided in this  
14 Code, the imposition of a fine up to \$10,000 for each violation  
15 and any other penalty provided by law.

16 (j) The determination by a circuit court that a licensee is  
17 subject to involuntary admission or judicial admission as  
18 provided in the Mental Health and Developmental Disabilities  
19 Code, as amended, operates as an automatic suspension. The  
20 suspension may end only upon a finding by a court that the  
21 licensee is no longer subject to the involuntary admission or  
22 judicial admission and issues an order so finding and  
23 discharging the licensee, and upon the recommendation of the  
24 Board to the Secretary that the licensee be allowed to resume  
25 his or her practice.

26 (k) In enforcing this Code, the Department, upon a showing

1 of a possible violation, may compel an individual licensed to  
2 practice under this Code, or who has applied for licensure  
3 under this Code, to submit to a mental or physical examination,  
4 or both, as required by and at the expense of the Department.  
5 The Department may order the examining physician to present  
6 testimony concerning the mental or physical examination of the  
7 licensee or applicant. No information shall be excluded by  
8 reason of any common law or statutory privilege relating to  
9 communications between the licensee or applicant and the  
10 examining physician. The examining physician shall be  
11 specifically designated by the Department. The individual to be  
12 examined may have, at his or her own expense, another physician  
13 of his or her choice present during all aspects of this  
14 examination. The examination shall be performed by a physician  
15 licensed to practice medicine in all its branches. Failure of  
16 an individual to submit to a mental or physical examination,  
17 when directed, shall result in an automatic suspension without  
18 hearing.

19 A person holding a license under this Code or who has  
20 applied for a license under this Code who, because of a  
21 physical or mental illness or disability, including, but not  
22 limited to, deterioration through the aging process or loss of  
23 motor skill, is unable to practice the profession with  
24 reasonable judgment, skill, or safety, may be required by the  
25 Department to submit to care, counseling, or treatment by  
26 physicians approved or designated by the Department as a

1 condition, term, or restriction for continued, reinstated, or  
2 renewed licensure to practice. Submission to care, counseling,  
3 or treatment as required by the Department shall not be  
4 considered discipline of a license. If the licensee refuses to  
5 enter into a care, counseling, or treatment agreement or fails  
6 to abide by the terms of the agreement, the Department may file  
7 a complaint to revoke, suspend, or otherwise discipline the  
8 license of the individual. The Secretary may order the license  
9 suspended immediately, pending a hearing by the Department.  
10 Fines shall not be assessed in disciplinary actions involving  
11 physical or mental illness or impairment.

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

21 An individual licensed under this Code and affected under  
22 this Section shall be afforded an opportunity to demonstrate to  
23 the Department that he or she can resume practice in compliance  
24 with acceptable and prevailing standards under the provisions  
25 of his or her license.

26 (Source: P.A. 97-1130, eff. 8-28-12; 98-756, eff. 7-16-14.)

1           Section 40. The Marriage and Family Therapy Licensing Act  
2 is amended by changing Section 85 as follows:

3           (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

4           (Section scheduled to be repealed on January 1, 2018)

5           Sec. 85. Refusal, revocation, or suspension.

6           (a) The Department may refuse to issue or renew, or may  
7 revoke a license, or may suspend, place on probation, fine, or  
8 take any disciplinary or non-disciplinary action as the  
9 Department may deem proper, including fines not to exceed  
10 \$10,000 for each violation, with regard to any licensee for any  
11 one or combination of the following causes:

12           (1) Material misstatement in furnishing information to  
13 the Department.

14           (2) Violations of this Act or its rules.

15           (3) Conviction of or entry of a plea of guilty or nolo  
16 contendere to any crime that is a felony under the laws of  
17 the United States or any state or territory thereof or a  
18 misdemeanor of which an essential element is dishonesty or  
19 that is directly related to the practice of the profession.

20           (4) Making any misrepresentation for the purpose of  
21 obtaining a license or violating any provision of this Act  
22 or its rules.

23           (5) Professional incompetence.

24           (6) Gross negligence.

1           (7) Aiding or assisting another person in violating any  
2 provision of this Act or its rules.

3           (8) Failing, within 30 days, to provide information in  
4 response to a written request made by the Department.

5           (9) Engaging in dishonorable, unethical, or  
6 unprofessional conduct of a character likely to deceive,  
7 defraud or harm the public as defined by the rules of the  
8 Department, or violating the rules of professional conduct  
9 adopted by the Board and published 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 the inability to practice with reasonable  
13 judgment, skill, or safety.

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

18           (12) Directly or indirectly giving to or receiving from  
19 any person, firm, corporation, partnership, or association  
20 any fee, commission, rebate, or other form of compensation  
21 for any professional services 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 Department that the licensee,  
8 after having his or her license placed on probationary  
9 status, has violated the terms of probation.

10 (14) Abandonment of a patient without cause.

11 (15) Willfully making or filing false records or  
12 reports relating to a licensee's practice, including but  
13 not limited to false records filed with State agencies or  
14 departments.

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

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

24 (18) Physical illness or mental illness or impairment,  
25 including, but not limited to, deterioration through the  
26 aging process or loss of motor skill that results in the

1 inability to practice the profession with reasonable  
2 judgment, skill, or safety.

3 (19) Solicitation of professional services by using  
4 false or misleading advertising.

5 (20) A finding that licensure has been applied for or  
6 obtained by fraudulent means.

7 (21) Practicing or attempting to practice under a name  
8 other than the full name as shown on the license or any  
9 other legally authorized name.

10 (22) Gross overcharging for professional services  
11 including filing statements for collection of fees or  
12 moneys for which services are not rendered.

13 (b) (Blank) ~~The Department shall deny any application for a~~  
14 ~~license or renewal, without hearing, under this Act to any~~  
15 ~~person who has defaulted on an educational loan guaranteed by~~  
16 ~~the Illinois Student Assistance Commission; however, the~~  
17 ~~Department may issue a license or renewal if the person in~~  
18 ~~default has established a satisfactory repayment record as~~  
19 ~~determined by the Illinois Student Assistance Commission.~~

20 (c) The determination by a circuit court that a licensee is  
21 subject to involuntary admission or judicial admission, as  
22 provided in the Mental Health and Developmental Disabilities  
23 Code, operates as an automatic suspension. The suspension will  
24 terminate only upon a finding by a court that the patient is no  
25 longer subject to involuntary admission or judicial admission  
26 and the issuance of an order so finding and discharging the

1 patient, and upon the recommendation of the Board to the  
2 Secretary that the licensee be allowed to resume his or her  
3 practice as a licensed marriage and family therapist or an  
4 associate marriage and family therapist.

5 (d) The Department may refuse to issue or may suspend the  
6 license of any person who fails to file a return, pay the tax,  
7 penalty, or interest shown in a filed return or pay any final  
8 assessment of tax, penalty, or interest, as required by any tax  
9 Act administered by the Illinois Department of Revenue, until  
10 the time the requirements of the tax Act are satisfied.

11 (e) In enforcing this Section, the Department or Board upon  
12 a showing of a possible violation may compel an individual  
13 licensed to practice under this Act, or who has applied for  
14 licensure under this Act, to submit to a mental or physical  
15 examination, or both, as required by and at the expense of the  
16 Department. The Department or Board may order the examining  
17 physician to present testimony concerning the mental or  
18 physical examination of the licensee or applicant. No  
19 information shall be excluded by reason of any common law or  
20 statutory privilege relating to communications between the  
21 licensee or applicant and the examining physician. The  
22 examining physicians shall be specifically designated by the  
23 Board or Department. The individual to be examined may have, at  
24 his or her own expense, another physician of his or her choice  
25 present during all aspects of this examination. Failure of an  
26 individual to submit to a mental or physical examination, when



1 directed, shall be grounds for suspension of his or her license  
2 until the individual submits to the examination if the  
3 Department finds, after notice and hearing, that the refusal to  
4 submit to the examination was without reasonable cause.

5 If the Department or Board finds an individual unable to  
6 practice because of the reasons set forth in this Section, the  
7 Department or Board may require that individual to submit to  
8 care, counseling, or treatment by physicians approved or  
9 designated by the Department or Board, as a condition, term, or  
10 restriction for continued, reinstated, or renewed licensure to  
11 practice; or, in lieu of care, counseling, or treatment, the  
12 Department may file, or the Board may recommend to the  
13 Department to file, a complaint to immediately suspend, revoke,  
14 or otherwise discipline the license of the individual. An  
15 individual whose license was granted, continued, reinstated,  
16 renewed, disciplined or supervised subject to such terms,  
17 conditions, or restrictions, and who fails to comply with such  
18 terms, conditions, or restrictions, shall be referred to the  
19 Secretary for a determination as to whether the individual  
20 shall have his or her license suspended immediately, pending a  
21 hearing by the Department.

22 In instances in which the Secretary immediately suspends a  
23 person's license under this Section, a hearing on that person's  
24 license must be convened by the Department within 30 days after  
25 the suspension and completed without appreciable delay. The  
26 Department and Board shall have the authority to review the

1 subject individual's record of treatment and counseling  
2 regarding the impairment to the extent permitted by applicable  
3 federal statutes and regulations safeguarding the  
4 confidentiality of medical records.

5 An individual licensed under this Act and affected under  
6 this Section shall be afforded an opportunity to demonstrate to  
7 the Department or Board that he or she can resume practice in  
8 compliance with acceptable and prevailing standards under the  
9 provisions of his or her license.

10 (Source: P.A. 95-703, eff. 12-31-07; 96-1482, eff. 11-29-10.)

11 Section 45. The Massage Licensing Act is amended by  
12 changing Section 45 as follows:

13 (225 ILCS 57/45)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 45. Grounds for discipline.

16 (a) The Department may refuse to issue or renew, or may  
17 revoke, suspend, place on probation, reprimand, or take other  
18 disciplinary or non-disciplinary action, as the Department  
19 considers appropriate, including the imposition of fines not to  
20 exceed \$10,000 for each violation, with regard to any license  
21 or licensee for any one or more of the following:

22 (1) violations of this Act or of the rules adopted  
23 under this Act;

24 (2) conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or by  
2 sentencing of any crime, including, but not limited to,  
3 convictions, preceding sentences of supervision,  
4 conditional discharge, or first offender probation, under  
5 the laws of any jurisdiction of the United States: (i) that  
6 is a felony; or (ii) that is a misdemeanor, an essential  
7 element of which is dishonesty, or that is directly related  
8 to the practice of the profession;

9 (3) professional incompetence;

10 (4) advertising in a false, deceptive, or misleading  
11 manner;

12 (5) aiding, abetting, assisting, procuring, advising,  
13 employing, or contracting with any unlicensed person to  
14 practice massage contrary to any rules or provisions of  
15 this Act;

16 (6) engaging in immoral conduct in the commission of  
17 any act, such as sexual abuse, sexual misconduct, or sexual  
18 exploitation, related to the licensee's practice;

19 (7) engaging in dishonorable, unethical, or  
20 unprofessional conduct of a character likely to deceive,  
21 defraud, or harm the public;

22 (8) practicing or offering to practice beyond the scope  
23 permitted by law or accepting and performing professional  
24 responsibilities which the licensee knows or has reason to  
25 know that he or she is not competent to perform;

26 (9) knowingly delegating professional responsibilities

1 to a person unqualified by training, experience, or  
2 licensure to perform;

3 (10) failing to provide information in response to a  
4 written request made by the Department within 60 days;

5 (11) having a habitual or excessive use of or addiction  
6 to alcohol, narcotics, stimulants, or any other chemical  
7 agent or drug which results in the inability to practice  
8 with reasonable judgment, skill, or safety;

9 (12) having a pattern of practice or other behavior  
10 that demonstrates incapacity or incompetence to practice  
11 under this Act;

12 (13) discipline by another state, District of  
13 Columbia, territory, or foreign nation, if at least one of  
14 the grounds for the discipline is the same or substantially  
15 equivalent to those set forth in this Section;

16 (14) a finding by the Department that the licensee,  
17 after having his or her license placed on probationary  
18 status, has violated the terms of probation;

19 (15) willfully making or filing false records or  
20 reports in his or her practice, including, but not limited  
21 to, false records filed with State agencies or departments;

22 (16) making a material misstatement in furnishing  
23 information to the Department or otherwise making  
24 misleading, deceptive, untrue, or fraudulent  
25 representations in violation of this Act or otherwise in  
26 the practice of the profession;

1           (17) fraud or misrepresentation in applying for or  
2           procuring a license under this Act or in connection with  
3           applying for renewal of a license under this Act;

4           (18) inability to practice the profession with  
5           reasonable judgment, skill, or safety as a result of  
6           physical illness, including, but not limited to,  
7           deterioration through the aging process, loss of motor  
8           skill, or a mental illness or disability;

9           (19) charging for professional services not rendered,  
10          including filing false statements for the collection of  
11          fees for which services are not rendered;

12          (20) practicing under a false or, except as provided by  
13          law, an assumed name; or

14          (21) cheating on or attempting to subvert the licensing  
15          examination administered under this Act.

16          All fines shall be paid within 60 days of the effective  
17          date of the order imposing the fine.

18          (b) A person not licensed under this Act and engaged in the  
19          business of offering massage therapy services through others,  
20          shall not aid, abet, assist, procure, advise, employ, or  
21          contract with any unlicensed person to practice massage therapy  
22          contrary to any rules or provisions of this Act. A person  
23          violating this subsection (b) shall be treated as a licensee  
24          for the purposes of disciplinary action under this Section and  
25          shall be subject to cease and desist orders as provided in  
26          Section 90 of this Act.

1 (c) The Department shall revoke any license issued under  
2 this Act of any person who is convicted of prostitution, rape,  
3 sexual misconduct, or any crime that subjects the licensee to  
4 compliance with the requirements of the Sex Offender  
5 Registration Act and any such conviction shall operate as a  
6 permanent bar in the State of Illinois to practice as a massage  
7 therapist.

8 (d) The Department may refuse to issue or may suspend the  
9 license of any person who fails to file a tax return, to pay  
10 the tax, penalty, or interest shown in a filed tax return, or  
11 to pay any final assessment of tax, penalty, or interest, as  
12 required by any tax Act administered by the Illinois Department  
13 of Revenue, until such time as the requirements of the tax Act  
14 are satisfied in accordance with subsection (g) of Section  
15 2105-15 of the Civil Administrative Code of Illinois.

16 (e) (Blank) ~~The Department shall deny a license or renewal~~  
17 ~~authorized by this Act to a person who has defaulted on an~~  
18 ~~educational loan or scholarship provided or guaranteed by the~~  
19 ~~Illinois Student Assistance Commission or any governmental~~  
20 ~~agency of this State in accordance with item (5) of subsection~~  
21 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~  
22 ~~Illinois.~~

23 (f) In cases where the Department of Healthcare and Family  
24 Services has previously determined that a licensee or a  
25 potential licensee is more than 30 days delinquent in the  
26 payment of child support and has subsequently certified the

1 delinquency to the Department, the Department may refuse to  
2 issue or renew or may revoke or suspend that person's license  
3 or may take other disciplinary action against that person based  
4 solely upon the certification of delinquency made by the  
5 Department of Healthcare and Family Services in accordance with  
6 item (5) of subsection (a) of Section 2105-15 of the Civil  
7 Administrative Code of Illinois.

8 (g) The determination by a circuit court that a licensee is  
9 subject to involuntary admission or judicial admission, as  
10 provided in the Mental Health and Developmental Disabilities  
11 Code, operates as an automatic suspension. The suspension will  
12 end only upon a finding by a court that the patient is no  
13 longer subject to involuntary admission or judicial admission  
14 and the issuance of a court order so finding and discharging  
15 the patient.

16 (h) In enforcing this Act, the Department or Board, upon a  
17 showing of a possible violation, may compel an individual  
18 licensed to practice under this Act, or who has applied for  
19 licensure under this Act, to submit to a mental or physical  
20 examination, or both, as required by and at the expense of the  
21 Department. The Department or Board may order the examining  
22 physician to present testimony concerning the mental or  
23 physical examination of the licensee or applicant. No  
24 information shall be excluded by reason of any common law or  
25 statutory privilege relating to communications between the  
26 licensee or applicant and the examining physician. The

1 examining physicians shall be specifically designated by the  
2 Board or Department. The individual to be examined may have, at  
3 his or her own expense, another physician of his or her choice  
4 present during all aspects of this examination. The examination  
5 shall be performed by a physician licensed to practice medicine  
6 in all its branches. Failure of an individual to submit to a  
7 mental or physical examination, when directed, shall result in  
8 an automatic suspension without hearing.

9 A person holding a license under this Act or who has  
10 applied for a license under this Act who, because of a physical  
11 or mental illness or disability, including, but not limited to,  
12 deterioration through the aging process or loss of motor skill,  
13 is unable to practice the profession with reasonable judgment,  
14 skill, or safety, may be required by the Department to submit  
15 to care, counseling, or treatment by physicians approved or  
16 designated by the Department as a condition, term, or  
17 restriction for continued, reinstated, or renewed licensure to  
18 practice. Submission to care, counseling, or treatment as  
19 required by the Department shall not be considered discipline  
20 of a license. If the licensee refuses to enter into a care,  
21 counseling, or treatment agreement or fails to abide by the  
22 terms of the agreement, the Department may file a complaint to  
23 revoke, suspend, or otherwise discipline the license of the  
24 individual. The Secretary may order the license suspended  
25 immediately, pending a hearing by the Department. Fines shall  
26 not be assessed in disciplinary actions involving physical or



1 mental illness or impairment.

2 In instances in which the Secretary immediately suspends a  
3 person's license under this Section, a hearing on that person's  
4 license must be convened by the Department within 15 days after  
5 the suspension and completed without appreciable delay. The  
6 Department and Board shall have the authority to review the  
7 subject individual's record of treatment and counseling  
8 regarding the impairment to the extent permitted by applicable  
9 federal statutes and regulations safeguarding the  
10 confidentiality of medical records.

11 An individual licensed under this Act and affected under  
12 this Section shall be afforded an opportunity to demonstrate to  
13 the Department or Board that he or she can resume practice in  
14 compliance with acceptable and prevailing standards under the  
15 provisions of his or her license.

16 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

17 Section 50. The Naprapathic Practice Act is amended by  
18 changing Section 110 as follows:

19 (225 ILCS 63/110)

20 (Section scheduled to be repealed on January 1, 2023)

21 Sec. 110. Grounds for disciplinary action; refusal,  
22 revocation, suspension.

23 (a) The Department may refuse to issue or to renew, or may  
24 revoke, suspend, place on probation, reprimand or take other

1 disciplinary or non-disciplinary action as the Department may  
2 deem appropriate, including imposing fines not to exceed  
3 \$10,000 for each violation, with regard to any licensee or  
4 license for any one or combination of the following causes:

5 (1) Violations of this Act or of rules adopted under  
6 this Act.

7 (2) Material misstatement in furnishing information to  
8 the Department.

9 (3) Conviction by plea of guilty or nolo contendere,  
10 finding of guilt, jury verdict, or entry of judgment, or by  
11 sentencing of any crime, including, but not limited to,  
12 convictions, preceding sentences of supervision,  
13 conditional discharge, or first offender probation, under  
14 the laws of any jurisdiction of the United States: (i) that  
15 is a felony or (ii) that is a misdemeanor, an essential  
16 element of which is dishonesty, or that is directly related  
17 to the practice of the profession.

18 (4) Fraud or any misrepresentation in applying for or  
19 procuring a license under this Act or in connection with  
20 applying for renewal of a license under this Act.

21 (5) Professional incompetence or gross negligence.

22 (6) Malpractice.

23 (7) Aiding or assisting another person in violating any  
24 provision of this Act or its rules.

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

1           (9) Engaging in dishonorable, unethical, or  
2 unprofessional conduct of a character likely to deceive,  
3 defraud, or harm the public.

4           (10) Habitual or excessive use or abuse of drugs  
5 defined in law as controlled substances, alcohol, or any  
6 other substance which results in the inability to practice  
7 with reasonable judgment, skill, or safety.

8           (11) Discipline by another U.S. jurisdiction or  
9 foreign nation if at least one of the grounds for the  
10 discipline is the same or substantially equivalent to those  
11 set forth in this Act.

12           (12) Directly or indirectly giving to or receiving from  
13 any person, firm, corporation, partnership, or association  
14 any fee, commission, rebate, or other form of compensation  
15 for any professional services not actually or personally  
16 rendered. This shall not be deemed to include rent or other  
17 remunerations paid to an individual, partnership, or  
18 corporation by a naprapath for the lease, rental, or use of  
19 space, owned or controlled by the individual, partnership,  
20 corporation, or association. Nothing in this paragraph  
21 (12) affects any bona fide independent contractor or  
22 employment arrangements among health care professionals,  
23 health facilities, health care providers, or other  
24 entities, except as otherwise prohibited by law. Any  
25 employment arrangements may include provisions for  
26 compensation, health insurance, pension, or other

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

6 (13) Using the title "Doctor" or its abbreviation  
7 without further clarifying that title or abbreviation with  
8 the word "naprapath" or "naprapathy" or the designation  
9 "D.N.".

10 (14) A finding by the Department that the licensee,  
11 after having his or her license placed on probationary  
12 status, has violated the terms of probation.

13 (15) Abandonment of a patient without cause.

14 (16) Willfully making or filing false records or  
15 reports relating to a licensee's practice, including but  
16 not limited to, false records filed with State agencies or  
17 departments.

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

21 (18) Physical or mental illness or disability,  
22 including, but not limited to, deterioration through the  
23 aging process or loss of motor skill that results in the  
24 inability to practice the profession with reasonable  
25 judgment, skill, or safety.

26 (19) Solicitation of professional services by means

1 other than permitted advertising.

2 (20) Failure to provide a patient with a copy of his or  
3 her record upon the written request of the patient.

4 (21) Cheating on or attempting to subvert the licensing  
5 examination administered under this Act.

6 (22) Allowing one's license under this Act to be used  
7 by an unlicensed person in violation of this Act.

8 (23) (Blank).

9 (24) Being named as a perpetrator in an indicated  
10 report by the Department of Children and Family Services  
11 under the Abused and Neglected Child Reporting Act and upon  
12 proof by clear and convincing evidence that the licensee  
13 has caused a child to be an abused child or a neglected  
14 child as defined in the Abused and Neglected Child  
15 Reporting Act.

16 (25) Practicing under a false or, except as provided by  
17 law, an assumed name.

18 (26) Immoral conduct in the commission of any act, such  
19 as sexual abuse, sexual misconduct, or sexual  
20 exploitation, related to the licensee's practice.

21 (27) Maintaining a professional relationship with any  
22 person, firm, or corporation when the naprapath knows, or  
23 should know, that the person, firm, or corporation is  
24 violating this Act.

25 (28) Promotion of the sale of food supplements,  
26 devices, appliances, or goods provided for a client or

1 patient in such manner as to exploit the patient or client  
2 for financial gain of the licensee.

3 (29) Having treated ailments of human beings other than  
4 by the practice of naprapathy as defined in this Act, or  
5 having treated ailments of human beings as a licensed  
6 naprapath independent of a documented referral or  
7 documented current and relevant diagnosis from a  
8 physician, dentist, or podiatric physician, or having  
9 failed to notify the physician, dentist, or podiatric  
10 physician who established a documented current and  
11 relevant diagnosis that the patient is receiving  
12 naprapathic treatment pursuant to that diagnosis.

13 (30) Use by a registered naprapath of the word  
14 "infirmary", "hospital", "school", "university", in  
15 English or any other language, in connection with the place  
16 where naprapathy may be practiced or demonstrated.

17 (31) Continuance of a naprapath in the employ of any  
18 person, firm, or corporation, or as an assistant to any  
19 naprapath or naprapaths, directly or indirectly, after his  
20 or her employer or superior has been found guilty of  
21 violating or has been enjoined from violating the laws of  
22 the State of Illinois relating to the practice of  
23 naprapathy when the employer or superior persists in that  
24 violation.

25 (32) The performance of naprapathic service in  
26 conjunction with a scheme or plan with another person,

1 firm, or corporation known to be advertising in a manner  
2 contrary to this Act or otherwise violating the laws of the  
3 State of Illinois concerning the practice of naprapathy.

4 (33) Failure to provide satisfactory proof of having  
5 participated in approved continuing education programs as  
6 determined by and approved by the Secretary. Exceptions for  
7 extreme hardships are to be defined by the rules of the  
8 Department.

9 (34) (Blank).

10 (35) Gross or willful overcharging for professional  
11 services.

12 (36) (Blank).

13 All fines imposed under this Section shall be paid within  
14 60 days after the effective date of the order imposing the  
15 fine.

16 (b) The Department may refuse to issue or may suspend  
17 without hearing, as provided for in the Department of  
18 Professional Regulation Law of the Civil Administrative Code,  
19 the license of any person who fails to file a return, or pay  
20 the tax, penalty, or interest shown in a filed return, or pay  
21 any final assessment of the tax, penalty, or interest as  
22 required by any tax Act administered by the Illinois Department  
23 of Revenue, until such time as the requirements of any such tax  
24 Act are satisfied in accordance with subsection (g) of Section  
25 2105-15 of the Department of Professional Regulation Law of the  
26 Civil Administrative Code of Illinois.

1           (c) (Blank) ~~The Department shall deny a license or renewal~~  
2 ~~authorized by this Act to a person who has defaulted on an~~  
3 ~~educational loan or scholarship provided or guaranteed by the~~  
4 ~~Illinois Student Assistance Commission or any governmental~~  
5 ~~agency of this State in accordance with item (5) of subsection~~  
6 ~~(a) of Section 2105-15 of the Department of Professional~~  
7 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

8           (d) In cases where the Department of Healthcare and Family  
9 Services has previously determined a licensee or a potential  
10 licensee is more than 30 days delinquent in the payment of  
11 child support and has subsequently certified the delinquency to  
12 the Department, the Department may refuse to issue or renew or  
13 may revoke or suspend that person's license or may take other  
14 disciplinary action against that person based solely upon the  
15 certification of delinquency made by the Department of  
16 Healthcare and Family Services in accordance with item (5) of  
17 subsection (a) of Section 2105-15 of the Department of  
18 Professional Regulation Law of the Civil Administrative Code of  
19 Illinois.

20           (e) The determination by a circuit court that a licensee is  
21 subject to involuntary admission or judicial admission, as  
22 provided in the Mental Health and Developmental Disabilities  
23 Code, operates as an automatic suspension. The suspension shall  
24 end only upon a finding by a court that the patient is no  
25 longer subject to involuntary admission or judicial admission  
26 and the issuance of an order so finding and discharging the



1 patient.

2 (f) In enforcing this Act, the Department, upon a showing  
3 of a possible violation, may compel an individual licensed to  
4 practice under this Act, or who has applied for licensure under  
5 this Act, to submit to a mental or physical examination and  
6 evaluation, or both, which may include a substance abuse or  
7 sexual offender evaluation, as required by and at the expense  
8 of the Department. The Department shall specifically designate  
9 the examining physician licensed to practice medicine in all of  
10 its branches or, if applicable, the multidisciplinary team  
11 involved in providing the mental or physical examination and  
12 evaluation, or both. The multidisciplinary team shall be led by  
13 a physician licensed to practice medicine in all of its  
14 branches and may consist of one or more or a combination of  
15 physicians licensed to practice medicine in all of its  
16 branches, licensed chiropractic physicians, licensed clinical  
17 psychologists, licensed clinical social workers, licensed  
18 clinical professional counselors, and other professional and  
19 administrative staff. Any examining physician or member of the  
20 multidisciplinary team may require any person ordered to submit  
21 to an examination and evaluation pursuant to this Section to  
22 submit to any additional supplemental testing deemed necessary  
23 to complete any examination or evaluation process, including,  
24 but not limited to, blood testing, urinalysis, psychological  
25 testing, or neuropsychological testing.

26 The Department may order the examining physician or any

1 member of the multidisciplinary team to provide to the  
2 Department any and all records including business records that  
3 relate to the examination and evaluation, including any  
4 supplemental testing performed. The Department may order the  
5 examining physician or any member of the multidisciplinary team  
6 to present testimony concerning the examination and evaluation  
7 of the licensee or applicant, including testimony concerning  
8 any supplemental testing or documents in any way related to the  
9 examination and evaluation. No information, report, record, or  
10 other documents in any way related to the examination and  
11 evaluation shall be excluded by reason of any common law or  
12 statutory privilege relating to communications between the  
13 licensee or applicant and the examining physician or any member  
14 of the multidisciplinary team. No authorization is necessary  
15 from the licensee or applicant ordered to undergo an evaluation  
16 and examination for the examining physician or any member of  
17 the multidisciplinary team to provide information, reports,  
18 records, or other documents or to provide any testimony  
19 regarding the examination and evaluation. The individual to be  
20 examined may have, at his or her own expense, another physician  
21 of his or her choice present during all aspects of this  
22 examination. Failure of an individual to submit to a mental or  
23 physical examination and evaluation, or both, when directed,  
24 shall result in an automatic suspension without hearing, until  
25 such time as the individual submits to the examination.

26 A person holding a license under this Act or who has

1 applied for a license under this Act who, because of a physical  
2 or mental illness or disability, including, but not limited to,  
3 deterioration through the aging process or loss of motor skill,  
4 is unable to practice the profession with reasonable judgment,  
5 skill, or safety, may be required by the Department to submit  
6 to care, counseling, or treatment by physicians approved or  
7 designated by the Department as a condition, term, or  
8 restriction for continued, reinstated, or renewed licensure to  
9 practice. Submission to care, counseling, or treatment as  
10 required by the Department shall not be considered discipline  
11 of a license. If the licensee refuses to enter into a care,  
12 counseling, or treatment agreement or fails to abide by the  
13 terms of the agreement, the Department may file a complaint to  
14 revoke, suspend, or otherwise discipline the license of the  
15 individual. The Secretary may order the license suspended  
16 immediately, pending a hearing by the Department. Fines shall  
17 not be assessed in disciplinary actions involving physical or  
18 mental illness or impairment.

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

1 medical records.

2 An individual licensed under this Act and affected under  
3 this Section shall be afforded an opportunity to demonstrate to  
4 the Department that he or she can resume practice in compliance  
5 with acceptable and prevailing standards under the provisions  
6 of his or her license.

7 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;  
8 98-463, eff. 8-16-13.)

9 Section 55. The Illinois Occupational Therapy Practice Act  
10 is amended by changing Section 19 as follows:

11 (225 ILCS 75/19) (from Ch. 111, par. 3719)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 19. Grounds for discipline.

14 (a) The Department may refuse to issue or renew, or may  
15 revoke, suspend, place on probation, reprimand or take other  
16 disciplinary or non-disciplinary action as the Department may  
17 deem proper, including imposing fines not to exceed \$10,000 for  
18 each violation and the assessment of costs as provided under  
19 Section 19.3 of this Act, with regard to any license for any  
20 one or combination of the following:

21 (1) Material misstatement in furnishing information to  
22 the Department;

23 (2) Violations of this Act, or of the rules promulgated  
24 thereunder;

1           (3) Conviction by plea of guilty or nolo contendere,  
2           finding of guilt, jury verdict, or entry of judgment or  
3           sentencing of any crime, including, but not limited to,  
4           convictions, preceding sentences of supervision,  
5           conditional discharge, or first offender probation, under  
6           the laws of any jurisdiction of the United States that is  
7           (i) a felony or (ii) a misdemeanor, an essential element of  
8           which is dishonesty, or that is directly related to the  
9           practice of the profession;

10           (4) Fraud or any misrepresentation in applying for or  
11           procuring a license under this Act, or in connection with  
12           applying for renewal of a license under this Act;

13           (5) Professional incompetence;

14           (6) Aiding or assisting another person, firm,  
15           partnership or corporation in violating any provision of  
16           this Act or rules;

17           (7) Failing, within 60 days, to provide information in  
18           response to a written request made by the Department;

19           (8) Engaging in dishonorable, unethical or  
20           unprofessional conduct of a character likely to deceive,  
21           defraud or harm the public;

22           (9) Habitual or excessive use or abuse of drugs defined  
23           in law as controlled substances, alcohol, or any other  
24           substance that results in the inability to practice with  
25           reasonable judgment, skill, or safety;

26           (10) Discipline by another state, unit of government,

1 government agency, the District of Columbia, a territory,  
2 or foreign nation, if at least one of the grounds for the  
3 discipline is the same or substantially equivalent to those  
4 set forth herein;

5 (11) Directly or indirectly giving to or receiving from  
6 any person, firm, corporation, partnership, or association  
7 any fee, commission, rebate or other form of compensation  
8 for professional services not actually or personally  
9 rendered. Nothing in this paragraph (11) affects any bona  
10 fide independent contractor or employment arrangements  
11 among health care professionals, health facilities, health  
12 care providers, or other entities, except as otherwise  
13 prohibited by law. Any employment arrangements may include  
14 provisions for compensation, health insurance, pension, or  
15 other employment benefits for the provision of services  
16 within the scope of the licensee's practice under this Act.  
17 Nothing in this paragraph (11) shall be construed to  
18 require an employment arrangement to receive professional  
19 fees for services rendered;

20 (12) A finding by the Department that the license  
21 holder, after having his license disciplined, has violated  
22 the terms of the discipline;

23 (13) Wilfully making or filing false records or reports  
24 in the practice of occupational therapy, including but not  
25 limited to false records filed with the State agencies or  
26 departments;

1           (14) Physical illness, including but not limited to,  
2           deterioration through the aging process, or loss of motor  
3           skill which results in the inability to practice under this  
4           Act with reasonable judgment, skill, or safety;

5           (15) Solicitation of professional services other than  
6           by permitted advertising;

7           (16) Allowing one's license under this Act to be used  
8           by an unlicensed person in violation of this Act;

9           (17) Practicing under a false or, except as provided by  
10          law, assumed name;

11          (18) Professional incompetence or gross negligence;

12          (19) Malpractice;

13          (20) Promotion of the sale of drugs, devices,  
14          appliances, or goods provided for a patient in any manner  
15          to exploit the client for financial gain of the licensee;

16          (21) Gross, willful, or continued overcharging for  
17          professional services;

18          (22) Mental illness or disability that results in the  
19          inability to practice under this Act with reasonable  
20          judgment, skill, or safety;

21          (23) Violating the Health Care Worker Self-Referral  
22          Act;

23          (24) Having treated patients other than by the practice  
24          of occupational therapy as defined in this Act, or having  
25          treated patients as a licensed occupational therapist  
26          independent of a referral from a physician, advanced

1 practice nurse or physician assistant in accordance with  
2 Section 3.1, dentist, podiatric physician, or optometrist,  
3 or having failed to notify the physician, advanced practice  
4 nurse, physician assistant, dentist, podiatric physician,  
5 or optometrist who established a diagnosis that the patient  
6 is receiving occupational therapy pursuant to that  
7 diagnosis;

8 (25) Cheating on or attempting to subvert the licensing  
9 examination administered under this Act; and

10 (26) Charging for professional services not rendered,  
11 including filing false statements for the collection of  
12 fees for which services are not rendered.

13 All fines imposed under this Section shall be paid within  
14 60 days after the effective date of the order imposing the fine  
15 or in accordance with the terms set forth in the order imposing  
16 the fine.

17 (b) The determination by a circuit court that a license  
18 holder is subject to involuntary admission or judicial  
19 admission as provided in the Mental Health and Developmental  
20 Disabilities Code, as now or hereafter amended, operates as an  
21 automatic suspension. Such suspension will end only upon a  
22 finding by a court that the patient is no longer subject to  
23 involuntary admission or judicial admission and an order by the  
24 court so finding and discharging the patient. In any case where  
25 a license is suspended under this provision, the licensee shall  
26 file a petition for restoration and shall include evidence



1 acceptable to the Department that the licensee can resume  
2 practice in compliance with acceptable and prevailing  
3 standards of their profession.

4 (c) The Department may refuse to issue or may suspend  
5 without hearing, as provided for in the Code of Civil  
6 Procedure, the license of any person who fails to file a  
7 return, to pay the tax, penalty, or interest shown in a filed  
8 return, or to pay any final assessment of tax, penalty, or  
9 interest as required by any tax Act administered by the  
10 Illinois Department of Revenue, until such time as the  
11 requirements of any such tax Act are satisfied in accordance  
12 with subsection (a) of Section 2105-15 of the Department of  
13 Professional Regulation Law of the Civil Administrative Code of  
14 Illinois.

15 (d) In enforcing this Section, the Department, upon a  
16 showing of a possible violation, may compel any individual who  
17 is licensed under this Act or any individual who has applied  
18 for licensure to submit to a mental or physical examination or  
19 evaluation, or both, which may include a substance abuse or  
20 sexual offender evaluation, at the expense of the Department.  
21 The Department shall specifically designate the examining  
22 physician licensed to practice medicine in all of its branches  
23 or, if applicable, the multidisciplinary team involved in  
24 providing the mental or physical examination and evaluation.  
25 The multidisciplinary team shall be led by a physician licensed  
26 to practice medicine in all of its branches and may consist of

1 one or more or a combination of physicians licensed to practice  
2 medicine in all of its branches, licensed chiropractic  
3 physicians, licensed clinical psychologists, licensed clinical  
4 social workers, licensed clinical professional counselors, and  
5 other professional and administrative staff. Any examining  
6 physician or member of the multidisciplinary team may require  
7 any person ordered to submit to an examination and evaluation  
8 pursuant to this Section to submit to any additional  
9 supplemental testing deemed necessary to complete any  
10 examination or evaluation process, including, but not limited  
11 to, blood testing, urinalysis, psychological testing, or  
12 neuropsychological testing.

13 The Department may order the examining physician or any  
14 member of the multidisciplinary team to provide to the  
15 Department any and all records, including business records,  
16 that relate to the examination and evaluation, including any  
17 supplemental testing performed. The Department may order the  
18 examining physician or any member of the multidisciplinary team  
19 to present testimony concerning this examination and  
20 evaluation of the licensee or applicant, including testimony  
21 concerning any supplemental testing or documents relating to  
22 the examination and evaluation. No information, report,  
23 record, or other documents in any way related to the  
24 examination and evaluation shall be excluded by reason of any  
25 common law or statutory privilege relating to communication  
26 between the licensee or applicant and the examining physician

1 or any member of the multidisciplinary team. No authorization  
2 is necessary from the licensee or applicant ordered to undergo  
3 an evaluation and examination for the examining physician or  
4 any member of the multidisciplinary team to provide  
5 information, reports, records, or other documents or to provide  
6 any testimony regarding the examination and evaluation. The  
7 individual to be examined may have, at his or her own expense,  
8 another physician of his or her choice present during all  
9 aspects of the examination.

10 Failure of any individual to submit to mental or physical  
11 examination or evaluation, or both, when directed, shall result  
12 in an automatic suspension without hearing, until such time as  
13 the individual submits to the examination. If the Department  
14 finds a licensee unable to practice because of the reasons set  
15 forth in this Section, the Department shall require the  
16 licensee to submit to care, counseling, or treatment by  
17 physicians approved or designated by the Department as a  
18 condition for continued, reinstated, or renewed licensure.

19 When the Secretary immediately suspends a license under  
20 this Section, a hearing upon such person's license must be  
21 convened by the Department within 15 days after the suspension  
22 and completed without appreciable delay. The Department shall  
23 have the authority to review the licensee's record of treatment  
24 and counseling regarding the impairment to the extent permitted  
25 by applicable federal statutes and regulations safeguarding  
26 the confidentiality of medical records.

1           Individuals licensed under this Act that are affected under  
2 this Section, shall be afforded an opportunity to demonstrate  
3 to the Department that they can resume practice in compliance  
4 with acceptable and prevailing standards under the provisions  
5 of their license.

6           (e) (Blank) ~~The Department shall deny a license or renewal~~  
7 ~~authorized by this Act to a person who has defaulted on an~~  
8 ~~educational loan or scholarship provided or guaranteed by the~~  
9 ~~Illinois Student Assistance Commission or any governmental~~  
10 ~~agency of this State in accordance with paragraph (5) of~~  
11 ~~subsection (a) of Section 2105-15 of the Department of~~  
12 ~~Professional Regulation Law of the Civil Administrative Code of~~  
13 ~~Illinois.~~

14           (f) In cases where the Department of Healthcare and Family  
15 Services has previously determined a licensee or a potential  
16 licensee is more than 30 days delinquent in the payment of  
17 child support and has subsequently certified the delinquency to  
18 the Department, the Department may refuse to issue or renew or  
19 may revoke or suspend that person's license or may take other  
20 disciplinary action against that person based solely upon the  
21 certification of delinquency made by the Department of  
22 Healthcare and Family Services in accordance with paragraph (5)  
23 of subsection (a) of Section 2105-15 of the Department of  
24 Professional Regulation Law of the Civil Administrative Code of  
25 Illinois.

26           (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;

1 98-756, eff. 7-16-14.)

2 Section 60. The Orthotics, Prosthetics, and Pedorthics  
3 Practice Act is amended by changing Section 90 as follows:

4 (225 ILCS 84/90)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 90. Grounds for discipline.

7 (a) The Department may refuse to issue or renew a license,  
8 or may revoke or suspend a license, or may suspend, place on  
9 probation, or reprimand a licensee or take other disciplinary  
10 or non-disciplinary action as the Department may deem proper,  
11 including, but not limited to, the imposition of fines not to  
12 exceed \$10,000 for each violation for one or any combination of  
13 the following:

14 (1) Making a material misstatement in furnishing  
15 information to the Department or the Board.

16 (2) Violations of or negligent or intentional  
17 disregard of this Act or its rules.

18 (3) Conviction of, or entry of a plea of guilty or nolo  
19 contendere to any crime that is a felony under the laws of  
20 the United States or any state or territory thereof or that  
21 is a misdemeanor of which an essential element is  
22 dishonesty, or any crime that is directly related to the  
23 practice of the profession.

24 (4) Making a misrepresentation for the purpose of

1 obtaining a license.

2 (5) A pattern of practice or other behavior that  
3 demonstrates incapacity or incompetence to practice under  
4 this Act.

5 (6) Gross negligence under this Act.

6 (7) Aiding or assisting another person in violating a  
7 provision of this Act or its rules.

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

10 (9) Engaging in dishonorable, unethical, or  
11 unprofessional conduct or conduct of a character likely to  
12 deceive, defraud, or harm the public.

13 (10) Inability to practice with reasonable judgment,  
14 skill, or safety as a result of habitual or excessive use  
15 or addiction to alcohol, narcotics, stimulants, or any  
16 other chemical agent or drug.

17 (11) Discipline by another state or territory of the  
18 United States, the federal government, or foreign nation,  
19 if at least one of the grounds for the discipline is the  
20 same or substantially equivalent to one set forth in this  
21 Section.

22 (12) Directly or indirectly giving to or receiving from  
23 a person, firm, corporation, partnership, or association a  
24 fee, commission, rebate, or other form of compensation for  
25 professional services not actually or personally rendered.  
26 Nothing in this paragraph (12) affects any bona fide

1 independent contractor or employment arrangements among  
2 health care professionals, health facilities, health care  
3 providers, or other entities, except as otherwise  
4 prohibited by law. Any employment arrangements may include  
5 provisions for compensation, health insurance, pension, or  
6 other employment benefits for the provision of services  
7 within the scope of the licensee's practice under this Act.  
8 Nothing in this paragraph (12) shall be construed to  
9 require an employment arrangement to receive professional  
10 fees for services rendered.

11 (13) A finding by the Board that the licensee or  
12 registrant, after having his or her license placed on  
13 probationary status, has violated the terms of probation.

14 (14) Abandonment of a patient or client.

15 (15) Willfully making or filing false records or  
16 reports in his or her practice including, but not limited  
17 to, false records filed with State agencies or departments.

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

21 (17) Inability to practice the profession with  
22 reasonable judgment, skill, or safety as a result of a  
23 physical illness, including, but not limited to,  
24 deterioration through the aging process or loss of motor  
25 skill, or a mental illness or disability.

26 (18) Solicitation of professional services using false

1           or misleading advertising.

2           (b) In enforcing this Section, the Department or Board upon  
3 a showing of a possible violation, may compel a licensee or  
4 applicant to submit to a mental or physical examination, or  
5 both, as required by and at the expense of the Department. The  
6 Department or Board may order the examining physician to  
7 present testimony concerning the mental or physical  
8 examination of the licensee or applicant. No information shall  
9 be excluded by reason of any common law or statutory privilege  
10 relating to communications between the licensee or applicant  
11 and the examining physician. The examining physicians shall be  
12 specifically designated by the Board or Department. The  
13 individual to be examined may have, at his or her own expense,  
14 another physician of his or her choice present during all  
15 aspects of this examination. Failure of an individual to submit  
16 to a mental or physical examination, when directed, shall be  
17 grounds for the immediate suspension of his or her license  
18 until the individual submits to the examination if the  
19 Department finds that the refusal to submit to the examination  
20 was without reasonable cause as defined by rule.

21           In instances in which the Secretary immediately suspends a  
22 person's license for his or her failure to submit to a mental  
23 or physical examination, when directed, a hearing on that  
24 person's license must be convened by the Department within 15  
25 days after the suspension and completed without appreciable  
26 delay.



1           In instances in which the Secretary otherwise suspends a  
2 person's license pursuant to the results of a compelled mental  
3 or physical examination, a hearing on that person's license  
4 must be convened by the Department within 15 days after the  
5 suspension and completed without appreciable delay. The  
6 Department and Board shall have the authority to review the  
7 subject individual's record of treatment and counseling  
8 regarding the impairment to the extent permitted by applicable  
9 federal statutes and regulations safeguarding the  
10 confidentiality of medical records.

11           An individual licensed under this Act and affected under  
12 this Section shall be afforded an opportunity to demonstrate to  
13 the Department or Board that he or she can resume practice in  
14 compliance with acceptable and prevailing standards under the  
15 provisions of his or her license.

16           (c) (Blank) ~~The Department shall deny a license or renewal~~  
17 ~~authorized by this Act to a person who has defaulted on an~~  
18 ~~educational loan or scholarship provided or guaranteed by the~~  
19 ~~Illinois Student Assistance Commission or any governmental~~  
20 ~~agency of this State in accordance with subsection (a) (5) of~~  
21 ~~Section 2105-15 of the Department of Professional Regulation~~  
22 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~  
23 ~~2105/2105-15).~~

24           (d) In cases where the Department of Healthcare and Family  
25 Services (formerly Department of Public Aid) has previously  
26 determined that a licensee or a potential licensee is more than

1 30 days delinquent in the payment of child support and has  
2 subsequently certified the delinquency to the Department, the  
3 Department may refuse to issue or renew or may revoke or  
4 suspend that person's license or may take other disciplinary  
5 action against that person based solely upon the certification  
6 of delinquency made by the Department of Healthcare and Family  
7 Services in accordance with subsection (a)(5) of Section  
8 2105-15 of the Department of Professional Regulation Law of the  
9 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

10 (e) The Department may refuse to issue or renew a license,  
11 or may revoke or suspend a license, for failure to file a  
12 return, to pay the tax, penalty, or interest shown in a filed  
13 return, or to pay any final assessment of tax, penalty, or  
14 interest as required by any tax Act administered by the  
15 Department of Revenue, until such time as the requirements of  
16 the tax Act are satisfied in accordance with subsection (g) of  
17 Section 2105-15 of the Department of Professional Regulation  
18 Law of the Civil Administrative Code of Illinois (20 ILCS  
19 2105/2105-15).

20 (Source: P.A. 98-756, eff. 7-16-14.)

21 Section 65. The Professional Counselor and Clinical  
22 Professional Counselor Licensing and Practice Act is amended by  
23 changing Section 80 as follows:

24 (225 ILCS 107/80)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 80. Grounds for discipline.

3 (a) The Department may refuse to issue, renew, or may  
4 revoke, suspend, place on probation, reprimand, or take other  
5 disciplinary or non-disciplinary action as the Department  
6 deems appropriate, including the issuance of fines not to  
7 exceed \$10,000 for each violation, with regard to any license  
8 for any one or more of the following:

9 (1) Material misstatement in furnishing information to  
10 the Department or to any other State agency.

11 (2) Violations or negligent or intentional disregard  
12 of this Act or rules adopted under this Act.

13 (3) Conviction by plea of guilty or nolo contendere,  
14 finding of guilt, jury verdict, or entry of judgment or by  
15 sentencing of any crime, including, but not limited to,  
16 convictions, preceding sentences of supervision,  
17 conditional discharge, or first offender probation, under  
18 the laws of any jurisdiction of the United States: (i) that  
19 is a felony or (ii) that is a misdemeanor, an essential  
20 element of which is dishonesty, or that is directly related  
21 to the practice of the profession.

22 (4) Fraud or any misrepresentation in applying for or  
23 procuring a license under this Act or in connection with  
24 applying for renewal of a license under this Act.

25 (5) Professional incompetence or gross negligence in  
26 the rendering of professional counseling or clinical

1 professional counseling services.

2 (6) Malpractice.

3 (7) Aiding or assisting another person in violating any  
4 provision of this Act or any rules.

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

7 (9) Engaging in dishonorable, unethical, or  
8 unprofessional conduct of a character likely to deceive,  
9 defraud, or harm the public and violating the rules of  
10 professional conduct adopted by the Department.

11 (10) Habitual or excessive use or abuse of drugs as  
12 defined in law as controlled substances, alcohol, or any  
13 other substance which results in inability to practice with  
14 reasonable skill, judgment, or safety.

15 (11) Discipline by another jurisdiction, the District  
16 of Columbia, territory, county, or governmental agency, if  
17 at least one of the grounds for the discipline is the same  
18 or substantially equivalent to those set forth in this  
19 Section.

20 (12) Directly or indirectly giving to or receiving from  
21 any person, firm, corporation, partnership, or association  
22 any fee, commission, rebate or other form of compensation  
23 for any professional service not actually rendered.  
24 Nothing in this paragraph (12) affects any bona fide  
25 independent contractor or employment arrangements among  
26 health care professionals, health facilities, health care

1 providers, or other entities, except as otherwise  
2 prohibited by law. Any employment arrangements may include  
3 provisions for compensation, health insurance, pension, or  
4 other employment benefits for the provision of services  
5 within the scope of the licensee's practice under this Act.  
6 Nothing in this paragraph (12) shall be construed to  
7 require an employment arrangement to receive professional  
8 fees for services rendered.

9 (13) A finding by the Board that the licensee, after  
10 having the license placed on probationary status, has  
11 violated the terms of probation.

12 (14) Abandonment of a client.

13 (15) Willfully filing false reports relating to a  
14 licensee's practice, including but not limited to false  
15 records filed with federal or State agencies or  
16 departments.

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 and in matters pertaining  
20 to suspected abuse, neglect, financial exploitation, or  
21 self-neglect of adults with disabilities and older adults  
22 as set forth in the Adult Protective Services Act.

23 (17) Being named as a perpetrator in an indicated  
24 report by the Department of Children and Family Services  
25 pursuant to the Abused and Neglected Child Reporting Act,  
26 and upon proof by clear and convincing evidence that the

1 licensee has caused a child to be an abused child or  
2 neglected child as defined in the Abused and Neglected  
3 Child Reporting Act.

4 (18) Physical or mental illness or disability,  
5 including, but not limited to, deterioration through the  
6 aging process or loss of abilities and skills which results  
7 in the inability to practice the profession with reasonable  
8 judgment, skill, or safety.

9 (19) Solicitation of professional services by using  
10 false or misleading advertising.

11 (20) Allowing one's license under this Act to be used  
12 by an unlicensed person in violation of this Act.

13 (21) A finding that licensure has been applied for or  
14 obtained by fraudulent means.

15 (22) Practicing under a false or, except as provided by  
16 law, an assumed name.

17 (23) Gross and willful overcharging for professional  
18 services including filing statements for collection of  
19 fees or monies for which services are not rendered.

20 (24) Rendering professional counseling or clinical  
21 professional counseling services without a license or  
22 practicing outside the scope of a license.

23 (25) Clinical supervisors failing to adequately and  
24 responsibly monitor supervisees.

25 All fines imposed under this Section shall be paid within  
26 60 days after the effective date of the order imposing the

1 fine.

2 (b) (Blank) ~~The Department shall deny, without hearing, any~~  
3 ~~application or renewal for a license under this Act to any~~  
4 ~~person who has defaulted on an educational loan guaranteed by~~  
5 ~~the Illinois State Assistance Commission or any governmental~~  
6 ~~agency of this State in accordance with item (5) of subsection~~  
7 ~~(a) of Section 2105-15 of the Department of Professional~~  
8 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

9 (b-5) The Department may refuse to issue or may suspend  
10 without hearing, as provided for in the Code of Civil  
11 Procedure, the license of any person who fails to file a  
12 return, pay the tax, penalty, or interest shown in a filed  
13 return, or pay any final assessment of the tax, penalty, or  
14 interest as required by any tax Act administered by the  
15 Illinois Department of Revenue, until such time as the  
16 requirements of any such tax Act are satisfied in accordance  
17 with subsection (g) of Section 2105-15 of the Department of  
18 Professional Regulation Law of the Civil Administrative Code of  
19 Illinois.

20 (b-10) In cases where the Department of Healthcare and  
21 Family Services has previously determined a licensee or a  
22 potential licensee is more than 30 days delinquent in the  
23 payment of child support and has subsequently certified the  
24 delinquency to the Department, the Department may refuse to  
25 issue or renew or may revoke or suspend that person's license  
26 or may take other disciplinary action against that person based

1 solely upon the certification of delinquency made by the  
2 Department of Healthcare and Family Services in accordance with  
3 item (5) of subsection (a) of Section 2105-15 of the Department  
4 of Professional Regulation Law of the Civil Administrative Code  
5 of Illinois.

6 (c) The determination by a court that a licensee is subject  
7 to involuntary admission or judicial admission as provided in  
8 the Mental Health and Developmental Disabilities Code will  
9 result in an automatic suspension of his or her license. The  
10 suspension will end upon a finding by a court that the licensee  
11 is no longer subject to involuntary admission or judicial  
12 admission, the issuance of an order so finding and discharging  
13 the patient, and the recommendation of the Board to the  
14 Secretary that the licensee be allowed to resume professional  
15 practice.

16 (c-5) In enforcing this Act, the Department, upon a showing  
17 of a possible violation, may compel an individual licensed to  
18 practice under this Act, or who has applied for licensure under  
19 this Act, to submit to a mental or physical examination, or  
20 both, as required by and at the expense of the Department. The  
21 Department may order the examining physician to present  
22 testimony concerning the mental or physical examination of the  
23 licensee or applicant. No information shall be excluded by  
24 reason of any common law or statutory privilege relating to  
25 communications between the licensee or applicant and the  
26 examining physician. The examining physicians shall be



1 specifically designated by the Department. The individual to be  
2 examined may have, at his or her own expense, another physician  
3 of his or her choice present during all aspects of this  
4 examination. The examination shall be performed by a physician  
5 licensed to practice medicine in all its branches. Failure of  
6 an individual to submit to a mental or physical examination,  
7 when directed, shall result in an automatic suspension without  
8 hearing.

9 A person holding a license under this Act or who has  
10 applied for a license under this Act who, because of a physical  
11 or mental illness or disability, including, but not limited to,  
12 deterioration through the aging process or loss of motor skill,  
13 is unable to practice the profession with reasonable judgment,  
14 skill, or safety, may be required by the Department to submit  
15 to care, counseling, or treatment by physicians approved or  
16 designated by the Department as a condition, term, or  
17 restriction for continued, reinstated, or renewed licensure to  
18 practice. Submission to care, counseling, or treatment as  
19 required by the Department shall not be considered discipline  
20 of a license. If the licensee refuses to enter into a care,  
21 counseling, or treatment agreement or fails to abide by the  
22 terms of the agreement, the Department may file a complaint to  
23 revoke, suspend, or otherwise discipline the license of the  
24 individual. The Secretary may order the license suspended  
25 immediately, pending a hearing by the Department. Fines shall  
26 not be assessed in disciplinary actions involving physical or

1 mental illness or impairment.

2 In instances in which the Secretary immediately suspends a  
3 person's license under this Section, a hearing on that person's  
4 license must be convened by the Department within 15 days after  
5 the suspension and completed without appreciable delay. The  
6 Department shall have the authority to review the subject  
7 individual's record of treatment and counseling regarding the  
8 impairment to the extent permitted by applicable federal  
9 statutes and regulations safeguarding the confidentiality of  
10 medical records.

11 An individual licensed under this Act and affected under  
12 this Section shall be afforded an opportunity to demonstrate to  
13 the Department that he or she can resume practice in compliance  
14 with acceptable and prevailing standards under the provisions  
15 of his or her license.

16 (d) (Blank).

17 (Source: P.A. 97-706, eff. 6-25-12; 98-49, eff. 7-1-13.)

18 Section 70. The Sex Offender Evaluation and Treatment  
19 Provider Act is amended by changing Section 75 as follows:

20 (225 ILCS 109/75)

21 Sec. 75. Refusal, revocation, or suspension.

22 (a) The Department may refuse to issue or renew, or may  
23 revoke, suspend, place on probation, reprimand, or take other  
24 disciplinary or nondisciplinary action, as the Department

1 considers appropriate, including the imposition of fines not to  
2 exceed \$10,000 for each violation, with regard to any license  
3 or licensee for any one or more of the following:

4 (1) violations of this Act or of the rules adopted  
5 under this Act;

6 (2) discipline by the Department under other state law  
7 and rules which the licensee is subject to;

8 (3) conviction by plea of guilty or nolo contendere,  
9 finding of guilt, jury verdict, or entry of judgment or by  
10 sentencing for any crime, including, but not limited to,  
11 convictions, preceding sentences of supervision,  
12 conditional discharge, or first offender probation, under  
13 the laws of any jurisdiction of the United States: (i) that  
14 is a felony; or (ii) that is a misdemeanor, an essential  
15 element of which is dishonesty, or that is directly related  
16 to the practice of the profession;

17 (4) professional incompetence;

18 (5) advertising in a false, deceptive, or misleading  
19 manner;

20 (6) aiding, abetting, assisting, procuring, advising,  
21 employing, or contracting with any unlicensed person to  
22 provide sex offender evaluation or treatment services  
23 contrary to any rules or provisions of this Act;

24 (7) engaging in immoral conduct in the commission of  
25 any act, such as sexual abuse, sexual misconduct, or sexual  
26 exploitation, related to the licensee's practice;

1           (8) engaging in dishonorable, unethical, or  
2 unprofessional conduct of a character likely to deceive,  
3 defraud, or harm the public;

4           (9) practicing or offering to practice beyond the scope  
5 permitted by law or accepting and performing professional  
6 responsibilities which the licensee knows or has reason to  
7 know that he or she is not competent to perform;

8           (10) knowingly delegating professional  
9 responsibilities to a person unqualified by training,  
10 experience, or licensure to perform;

11           (11) failing to provide information in response to a  
12 written request made by the Department within 60 days;

13           (12) having a habitual or excessive use of or addiction  
14 to alcohol, narcotics, stimulants, or any other chemical  
15 agent or drug which results in the inability to practice  
16 with reasonable judgment, skill, or safety;

17           (13) having a pattern of practice or other behavior  
18 that demonstrates incapacity or incompetence to practice  
19 under this Act;

20           (14) discipline by another state, District of  
21 Columbia, territory, or foreign nation, if at least one of  
22 the grounds for the discipline is the same or substantially  
23 equivalent to those set forth in this Section;

24           (15) a finding by the Department that the licensee,  
25 after having his or her license placed on probationary  
26 status, has violated the terms of probation;

1           (16) willfully making or filing false records or  
2 reports in his or her practice, including, but not limited  
3 to, false records filed with State agencies or departments;

4           (17) making a material misstatement in furnishing  
5 information to the Department or otherwise making  
6 misleading, deceptive, untrue, or fraudulent  
7 representations in violation of this Act or otherwise in  
8 the practice of the profession;

9           (18) fraud or misrepresentation in applying for or  
10 procuring a license under this Act or in connection with  
11 applying for renewal of a license under this Act;

12           (19) inability to practice the profession with  
13 reasonable judgment, skill, or safety as a result of  
14 physical illness, including, but not limited to,  
15 deterioration through the aging process, loss of motor  
16 skill, or a mental illness or disability;

17           (20) charging for professional services not rendered,  
18 including filing false statements for the collection of  
19 fees for which services are not rendered; or

20           (21) practicing under a false or, except as provided by  
21 law, an assumed name.

22           All fines shall be paid within 60 days of the effective  
23 date of the order imposing the fine.

24           (b) The Department may refuse to issue or may suspend the  
25 license of any person who fails to file a tax return, to pay  
26 the tax, penalty, or interest shown in a filed tax return, or

1 to pay any final assessment of tax, penalty, or interest, as  
2 required by any tax Act administered by the Illinois Department  
3 of Revenue, until such time as the requirements of the tax Act  
4 are satisfied in accordance with subsection (g) of Section  
5 2105-15 of the Civil Administrative Code of Illinois.

6 (c) (Blank) ~~The Department shall deny a license or renewal~~  
7 ~~authorized by this Act to a person who has defaulted on an~~  
8 ~~educational loan or scholarship provided or guaranteed by the~~  
9 ~~Illinois Student Assistance Commission or any governmental~~  
10 ~~agency of this State in accordance with item (5) of subsection~~  
11 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~  
12 ~~Illinois.~~

13 (d) In cases where the Department of Healthcare and Family  
14 Services has previously determined that a licensee or a  
15 potential licensee is more than 30 days delinquent in the  
16 payment of child support and has subsequently certified the  
17 delinquency to the Department, the Department may refuse to  
18 issue or renew or may revoke or suspend that person's license  
19 or may take other disciplinary action against that person based  
20 solely upon the certification of delinquency made by the  
21 Department of Healthcare and Family Services in accordance with  
22 item (5) of subsection (a) of Section 2105-15 of the Civil  
23 Administrative Code of Illinois.

24 (e) The determination by a circuit court that a licensee is  
25 subject to involuntary admission or judicial admission, as  
26 provided in the Mental Health and Developmental Disabilities

1 Code, operates as an automatic suspension. The suspension will  
2 end only upon a finding by a court that the patient is no  
3 longer subject to involuntary admission or judicial admission  
4 and the issuance of a court order so finding and discharging  
5 the patient.

6 (f) In enforcing this Act, the Department or Board, upon a  
7 showing of a possible violation, may compel an individual  
8 licensed to practice under this Act, or who has applied for  
9 licensure under this Act, to submit to a mental or physical  
10 examination, or both, as required by and at the expense of the  
11 Department. The Department or Board may order the examining  
12 physician to present testimony concerning the mental or  
13 physical examination of the licensee or applicant. No  
14 information shall be excluded by reason of any common law or  
15 statutory privilege relating to communications between the  
16 licensee or applicant and the examining physician. The  
17 examining physician shall be specifically designated by the  
18 Board or Department. The individual to be examined may have, at  
19 his or her own expense, another physician of his or her choice  
20 present during all aspects of this examination. The examination  
21 shall be performed by a physician licensed to practice medicine  
22 in all its branches. Failure of an individual to submit to a  
23 mental or physical examination, when directed, shall result in  
24 an automatic suspension without hearing.

25 A person holding a license under this Act or who has  
26 applied for a license under this Act who, because of a physical

1 or mental illness or disability, including, but not limited to,  
2 deterioration through the aging process or loss of motor skill,  
3 is unable to practice the profession with reasonable judgment,  
4 skill, or safety, may be required by the Department to submit  
5 to care, counseling, or treatment by physicians approved or  
6 designated by the Department as a condition, term, or  
7 restriction for continued, reinstated, or renewed licensure to  
8 practice. Submission to care, counseling, or treatment as  
9 required by the Department shall not be considered discipline  
10 of a license. If the licensee refuses to enter into a care,  
11 counseling, or treatment agreement or fails to abide by the  
12 terms of the agreement, the Department may file a complaint to  
13 revoke, suspend, or otherwise discipline the license of the  
14 individual. The Secretary may order the license suspended  
15 immediately, pending a hearing by the Department. Fines shall  
16 not be assessed in disciplinary actions involving physical or  
17 mental illness or impairment.

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



1           An individual licensed under this Act and subject to action  
2 under this Section shall be afforded an opportunity to  
3 demonstrate to the Department or Board that he or she can  
4 resume practice in compliance with acceptable and prevailing  
5 standards under the provisions of his or her license.

6           (Source: P.A. 97-1098, eff. 7-1-13; 98-756, eff. 7-16-14.)

7           Section 75. The Illinois Speech-Language Pathology and  
8 Audiology Practice Act is amended by changing Section 16 as  
9 follows:

10           (225 ILCS 110/16) (from Ch. 111, par. 7916)

11           (Section scheduled to be repealed on January 1, 2018)

12           Sec. 16. Refusal, revocation or suspension of licenses.

13           (1) The Department may refuse to issue or renew, or may  
14 revoke, suspend, place on probation, censure, reprimand or take  
15 other disciplinary or non-disciplinary action as the  
16 Department may deem proper, including fines not to exceed  
17 \$10,000 for each violation, with regard to any license for any  
18 one or combination of the following causes:

19           (a) Fraud in procuring the license.

20           (b) (Blank).

21           (c) Willful or repeated violations of the rules of the  
22 Department of Public Health.

23           (d) Division of fees or agreeing to split or divide the  
24 fees received for speech-language pathology or audiology

1 services with any person for referring an individual, or  
2 assisting in the care or treatment of an individual,  
3 without the knowledge of the individual or his or her legal  
4 representative. Nothing in this paragraph (d) affects any  
5 bona fide independent contractor or employment  
6 arrangements among health care professionals, health  
7 facilities, health care providers, or other entities,  
8 except as otherwise prohibited by law. Any employment  
9 arrangements may include provisions for compensation,  
10 health insurance, pension, or other employment benefits  
11 for the provision of services within the scope of the  
12 licensee's practice under this Act. Nothing in this  
13 paragraph (d) shall be construed to require an employment  
14 arrangement to receive professional fees for services  
15 rendered.

16 (e) Employing, procuring, inducing, aiding or abetting  
17 a person not licensed as a speech-language pathologist or  
18 audiologist to engage in the unauthorized practice of  
19 speech-language pathology or audiology.

20 (e-5) Employing, procuring, inducing, aiding, or  
21 abetting a person not licensed as a speech-language  
22 pathology assistant to perform the functions and duties of  
23 a speech-language pathology assistant.

24 (f) Making any misrepresentations or false promises,  
25 directly or indirectly, to influence, persuade or induce  
26 patronage.

1           (g) Professional connection or association with, or  
2           lending his or her name to another for the illegal practice  
3           of speech-language pathology or audiology by another, or  
4           professional connection or association with any person,  
5           firm or corporation holding itself out in any manner  
6           contrary to this Act.

7           (h) Obtaining or seeking to obtain checks, money, or  
8           any other things of value by false or fraudulent  
9           representations, including but not limited to, engaging in  
10          such fraudulent practice to defraud the medical assistance  
11          program of the Department of Healthcare and Family Services  
12          (formerly Department of Public Aid).

13          (i) Practicing under a name other than his or her own.

14          (j) Improper, unprofessional or dishonorable conduct  
15          of a character likely to deceive, defraud or harm the  
16          public.

17          (k) Conviction of or entry of a plea of guilty or nolo  
18          contendere to any crime that is a felony under the laws of  
19          the United States or any state or territory thereof, or  
20          that is a misdemeanor of which an essential element is  
21          dishonesty, or that is directly related to the practice of  
22          the profession.

23          (l) Permitting a person under his or her supervision to  
24          perform any function not authorized by this Act.

25          (m) A violation of any provision of this Act or rules  
26          promulgated thereunder.

1           (n) Discipline by another state, the District of  
2 Columbia, territory, or foreign nation of a license to  
3 practice speech-language pathology or audiology or a  
4 license to practice as a speech-language pathology  
5 assistant in its jurisdiction if at least one of the  
6 grounds for that discipline is the same as or the  
7 equivalent of one of the grounds for discipline set forth  
8 herein.

9           (o) Willfully failing to report an instance of  
10 suspected child abuse or neglect as required by the Abused  
11 and Neglected Child Reporting Act.

12           (p) Gross or repeated malpractice.

13           (q) Willfully making or filing false records or reports  
14 in his or her practice as a speech-language pathologist,  
15 speech-language pathology assistant, or audiologist,  
16 including, but not limited to, false records to support  
17 claims against the public assistance program of the  
18 Department of Healthcare and Family Services (formerly  
19 Illinois Department of Public Aid).

20           (r) Professional incompetence as manifested by poor  
21 standards of care or mental incompetence as declared by a  
22 court of competent jurisdiction.

23           (s) Repeated irregularities in billing a third party  
24 for services rendered to an individual. For purposes of  
25 this Section, "irregularities in billing" shall include:

26           (i) reporting excessive charges for the purpose of

1           obtaining a total payment in excess of that usually  
2           received by the speech-language pathologist,  
3           speech-language pathology assistant, or audiologist  
4           for the services rendered;

5           (ii) reporting charges for services not rendered;  
6           or

7           (iii) incorrectly reporting services rendered for  
8           the purpose of obtaining payment not earned.

9           (t) (Blank).

10          (u) Violation of the Health Care Worker Self-Referral  
11          Act.

12          (v) Inability to practice with reasonable judgment,  
13          skill, or safety as a result of habitual or excessive use  
14          of or addiction to alcohol, narcotics, or stimulants or any  
15          other chemical agent or drug or as a result of physical  
16          illness, including, but not limited to, deterioration  
17          through the aging process or loss of motor skill, mental  
18          illness, or disability.

19          (w) Violation of the Hearing Instrument Consumer  
20          Protection Act.

21          (x) Failure by a speech-language pathology assistant  
22          and supervising speech-language pathologist to comply with  
23          the supervision requirements set forth in Section 8.8.

24          (y) Wilfully exceeding the scope of duties customarily  
25          undertaken by speech-language pathology assistants set  
26          forth in Section 8.7 that results in, or may result in,

1           harm to the public.

2           (2) (Blank) ~~The Department shall deny a license or renewal~~  
3 ~~authorized by this Act to any person who has defaulted on an~~  
4 ~~educational loan guaranteed by the Illinois State Scholarship~~  
5 ~~Commission; however, the Department may issue a license or~~  
6 ~~renewal if the aforementioned persons have established a~~  
7 ~~satisfactory repayment record as determined by the Illinois~~  
8 ~~State Scholarship Commission.~~

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

23           (4) The Department may refuse to issue or may suspend the  
24 license of any person who fails to file a return, or to pay the  
25 tax, penalty, or interest shown in a filed return, or to pay  
26 any final assessment of the tax penalty or interest, as

1 required by any tax Act administered by the Department of  
2 Revenue, until such time as the requirements of any such tax  
3 Act are satisfied.

4 (5) In enforcing this Section, the Board upon a showing of  
5 a possible violation may compel an individual licensed to  
6 practice under this Act, or who has applied for licensure  
7 pursuant to this Act, to submit to a mental or physical  
8 examination, or both, as required by and at the expense of the  
9 Department. The examining physicians or clinical psychologists  
10 shall be those specifically designated by the Board. The  
11 individual to be examined may have, at his or her own expense,  
12 another physician or clinical psychologist of his or her choice  
13 present during all aspects of this examination. Failure of any  
14 individual to submit to a mental or physical examination, when  
15 directed, shall be grounds for suspension of his or her license  
16 until the individual submits to the examination if the Board  
17 finds, after notice and hearing, that the refusal to submit to  
18 the examination was without reasonable cause.

19 If the Board finds an individual unable to practice because  
20 of the reasons set forth in this Section, the Board may require  
21 that individual to submit to care, counseling, or treatment by  
22 physicians or clinical psychologists approved or designated by  
23 the Board, as a condition, term, or restriction for continued,  
24 reinstated, or renewed licensure to practice; or, in lieu of  
25 care, counseling, or treatment, the Board may recommend to the  
26 Department to file a complaint to immediately suspend, revoke,

1 or otherwise discipline the license of the individual. Any  
2 individual whose license was granted, continued, reinstated,  
3 renewed, disciplined or supervised subject to such terms,  
4 conditions, or restrictions, and who fails to comply with such  
5 terms, conditions, or restrictions, shall be referred to the  
6 Secretary for a determination as to whether the individual  
7 shall have his or her license suspended immediately, pending a  
8 hearing by the Board.

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

18 An individual licensed under this Act and affected under  
19 this Section shall be afforded an opportunity to demonstrate to  
20 the Board that he or she can resume practice in compliance with  
21 acceptable and prevailing standards under the provisions of his  
22 or her license.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-465, eff. 8-27-07;  
24 96-1482, eff. 11-29-10.)

25 Section 80. The Veterinary Medicine and Surgery Practice



1 Act of 2004 is amended by changing Section 25 as follows:

2 (225 ILCS 115/25) (from Ch. 111, par. 7025)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 25. Disciplinary actions.

5 1. The Department may refuse to issue or renew, or may  
6 revoke, suspend, place on probation, reprimand, or take other  
7 disciplinary or non-disciplinary action as the Department may  
8 deem appropriate, including imposing fines not to exceed  
9 \$10,000 for each violation and the assessment of costs as  
10 provided for in Section 25.3 of this Act, with regard to any  
11 license or certificate for any one or combination of the  
12 following:

13 A. Material misstatement in furnishing information to  
14 the Department.

15 B. Violations of this Act, or of the rules adopted  
16 pursuant to this Act.

17 C. Conviction by plea of guilty or nolo contendere,  
18 finding of guilt, jury verdict, or entry of judgment or by  
19 sentencing of any crime, including, but not limited to,  
20 convictions, preceding sentences of supervision,  
21 conditional discharge, or first offender probation, under  
22 the laws of any jurisdiction of the United States that is  
23 (i) a felony or (ii) a misdemeanor, an essential element of  
24 which is dishonesty, or that is directly related to the  
25 practice of the profession.

1           D. Fraud or any misrepresentation in applying for or  
2           procuring a license under this Act or in connection with  
3           applying for renewal of a license under this Act.

4           E. Professional incompetence.

5           F. Malpractice.

6           G. Aiding or assisting another person in violating any  
7           provision of this Act or rules.

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

10          I. Engaging in dishonorable, unethical, or  
11          unprofessional conduct of a character likely to deceive,  
12          defraud, or harm the public.

13          J. Habitual or excessive use or abuse of drugs defined  
14          in law as controlled substances, alcohol, or any other  
15          substance that results in the inability to practice with  
16          reasonable judgment, skill, or safety.

17          K. Discipline by another state, unit of government,  
18          government agency, District of Columbia, territory, or  
19          foreign nation, if at least one of the grounds for the  
20          discipline is the same or substantially equivalent to those  
21          set forth herein.

22          L. Charging for professional services not rendered,  
23          including filing false statements for the collection of  
24          fees for which services are not rendered.

25          M. A finding by the Board that the licensee or  
26          certificate holder, after having his license or

1 certificate placed on probationary status, has violated  
2 the terms of probation.

3 N. Willfully making or filing false records or reports  
4 in his practice, including but not limited to false records  
5 filed with State agencies or departments.

6 O. Physical illness, including but not limited to,  
7 deterioration through the aging process, or loss of motor  
8 skill which results in the inability to practice under this  
9 Act with reasonable judgment, skill, or safety.

10 P. Solicitation of professional services other than  
11 permitted advertising.

12 Q. Allowing one's license under this Act to be used by  
13 an unlicensed person in violation of this Act.

14 R. Conviction of or cash compromise of a charge or  
15 violation of the Harrison Act or the Illinois Controlled  
16 Substances Act, regulating narcotics.

17 S. Fraud or dishonesty in applying, treating, or  
18 reporting on tuberculin or other biological tests.

19 T. Failing to report, as required by law, or making  
20 false report of any contagious or infectious diseases.

21 U. Fraudulent use or misuse of any health certificate,  
22 shipping certificate, brand inspection certificate, or  
23 other blank forms used in practice that might lead to the  
24 dissemination of disease or the transportation of diseased  
25 animals dead or alive; or dilatory methods, willful  
26 neglect, or misrepresentation in the inspection of milk,

1 meat, poultry, and the by-products thereof.

2 V. Conviction on a charge of cruelty to animals.

3 W. Failure to keep one's premises and all equipment  
4 therein in a clean and sanitary condition.

5 X. Failure to provide satisfactory proof of having  
6 participated in approved continuing education programs.

7 Y. Mental illness or disability that results in the  
8 inability to practice under this Act with reasonable  
9 judgment, skill, or safety.

10 Z. Conviction by any court of competent jurisdiction,  
11 either within or outside this State, of any violation of  
12 any law governing the practice of veterinary medicine, if  
13 the Department determines, after investigation, that the  
14 person has not been sufficiently rehabilitated to warrant  
15 the public trust.

16 AA. Promotion of the sale of drugs, devices,  
17 appliances, or goods provided for a patient in any manner  
18 to exploit the client for financial gain of the  
19 veterinarian.

20 BB. Gross, willful, or continued overcharging for  
21 professional services.

22 CC. Practicing under a false or, except as provided by  
23 law, an assumed name.

24 DD. Violating state or federal laws or regulations  
25 relating to controlled substances or legend drugs.

26 EE. Cheating on or attempting to subvert the licensing

1 examination administered under this Act.

2 FF. Using, prescribing, or selling a prescription drug  
3 or the extra-label use of a prescription drug by any means  
4 in the absence of a valid veterinarian-client-patient  
5 relationship.

6 GG. Failing to report a case of suspected aggravated  
7 cruelty, torture, or animal fighting pursuant to Section  
8 3.07 or 4.01 of the Humane Care for Animals Act or Section  
9 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012.

11 All fines imposed under this Section shall be paid within  
12 60 days after the effective date of the order imposing the fine  
13 or in accordance with the terms set forth in the order imposing  
14 the fine.

15 2. The determination by a circuit court that a licensee or  
16 certificate holder is subject to involuntary admission or  
17 judicial admission as provided in the Mental Health and  
18 Developmental Disabilities Code operates as an automatic  
19 suspension. The suspension will end only upon a finding by a  
20 court that the patient is no longer subject to involuntary  
21 admission or judicial admission and issues an order so finding  
22 and discharging the patient. In any case where a license is  
23 suspended under this provision, the licensee shall file a  
24 petition for restoration and shall include evidence acceptable  
25 to the Department that the licensee can resume practice in  
26 compliance with acceptable and prevailing standards of his or

1 her ~~their~~ profession.

2 3. All proceedings to suspend, revoke, place on  
3 probationary status, or take any other disciplinary action as  
4 the Department may deem proper, with regard to a license or  
5 certificate on any of the foregoing grounds, must be commenced  
6 within 5 years after receipt by the Department of a complaint  
7 alleging the commission of or notice of the conviction order  
8 for any of the acts described in this Section. Except for  
9 proceedings brought for violations of items (CC), (DD), or  
10 (EE), no action shall be commenced more than 5 years after the  
11 date of the incident or act alleged to have violated this  
12 Section. In the event of the settlement of any claim or cause  
13 of action in favor of the claimant or the reduction to final  
14 judgment of any civil action in favor of the plaintiff, the  
15 claim, cause of action, or civil action being grounded on the  
16 allegation that a person licensed or certified under this Act  
17 was negligent in providing care, the Department shall have an  
18 additional period of one year from the date of the settlement  
19 or final judgment in which to investigate and begin formal  
20 disciplinary proceedings under Section 25.2 of this Act, except  
21 as otherwise provided by law. The time during which the holder  
22 of the license or certificate was outside the State of Illinois  
23 shall not be included within any period of time limiting the  
24 commencement of disciplinary action by the Department.

25 4. The Department may refuse to issue or may suspend  
26 without hearing, as provided for in the Illinois Code of Civil

1 Procedure, the license of any person who fails to file a  
2 return, to pay the tax, penalty, or interest shown in a filed  
3 return, or to pay any final assessment of tax, penalty, or  
4 interest as required by any tax Act administered by the  
5 Illinois Department of Revenue, until such time as the  
6 requirements of any such tax Act are satisfied in accordance  
7 with subsection (g) of Section 2105-15 of the Civil  
8 Administrative Code of Illinois.

9 5. In enforcing this Section, the Department, upon a  
10 showing of a possible violation, may compel any individual who  
11 is registered under this Act or any individual who has applied  
12 for registration to submit to a mental or physical examination  
13 or evaluation, or both, which may include a substance abuse or  
14 sexual offender evaluation, at the expense of the Department.  
15 The Department shall specifically designate the examining  
16 physician licensed to practice medicine in all of its branches  
17 or, if applicable, the multidisciplinary team involved in  
18 providing the mental or physical examination and evaluation.  
19 The multidisciplinary team shall be led by a physician licensed  
20 to practice medicine in all of its branches and may consist of  
21 one or more or a combination of physicians licensed to practice  
22 medicine in all of its branches, licensed chiropractic  
23 physicians, licensed clinical psychologists, licensed clinical  
24 social workers, licensed clinical professional counselors, and  
25 other professional and administrative staff. Any examining  
26 physician or member of the multidisciplinary team may require

1 any person ordered to submit to an examination and evaluation  
2 pursuant to this Section to submit to any additional  
3 supplemental testing deemed necessary to complete any  
4 examination or evaluation process, including, but not limited  
5 to, blood testing, urinalysis, psychological testing, or  
6 neuropsychological testing.

7 The Department may order the examining physician or any  
8 member of the multidisciplinary team to provide to the  
9 Department any and all records, including business records,  
10 that relate to the examination and evaluation, including any  
11 supplemental testing performed. The Department may order the  
12 examining physician or any member of the multidisciplinary team  
13 to present testimony concerning this examination and  
14 evaluation of the registrant or applicant, including testimony  
15 concerning any supplemental testing or documents relating to  
16 the examination and evaluation. No information, report,  
17 record, or other documents in any way related to the  
18 examination and evaluation shall be excluded by reason of any  
19 common law or statutory privilege relating to communication  
20 between the licensee or applicant and the examining physician  
21 or any member of the multidisciplinary team. No authorization  
22 is necessary from the registrant or applicant ordered to  
23 undergo an evaluation and examination for the examining  
24 physician or any member of the multidisciplinary team to  
25 provide information, reports, records, or other documents or to  
26 provide any testimony regarding the examination and



1 evaluation. The individual to be examined may have, at his or  
2 her own expense, another physician of his or her choice present  
3 during all aspects of the examination.

4 Failure of any individual to submit to mental or physical  
5 examination or evaluation, or both, when directed, shall result  
6 in an automatic suspension without hearing, until such time as  
7 the individual submits to the examination. If the Department  
8 finds a registrant unable to practice because of the reasons  
9 set forth in this Section, the Department shall require such  
10 registrant to submit to care, counseling, or treatment by  
11 physicians approved or designated by the Department as a  
12 condition for continued, reinstated, or renewed registration.

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

22 Individuals registered under this Act ~~who that~~ are affected  
23 under this Section, shall be afforded an opportunity to  
24 demonstrate to the Department that they can resume practice in  
25 compliance with acceptable and prevailing standards under the  
26 provisions of their registration.

1           6. (Blank) ~~The Department shall deny a license or renewal~~  
2 ~~authorized by this Act to a person who has defaulted on an~~  
3 ~~educational loan or scholarship provided or guaranteed by the~~  
4 ~~Illinois Student Assistance Commission or any governmental~~  
5 ~~agency of this State in accordance with paragraph (5) of~~  
6 ~~subsection (a) of Section 2105-15 of the Civil Administrative~~  
7 ~~Code of Illinois.~~

8           7. In cases where the Department of Healthcare and Family  
9 Services has previously determined a licensee or a potential  
10 licensee is more than 30 days delinquent in the payment of  
11 child support and has subsequently certified the delinquency to  
12 the Department, the Department may refuse to issue or renew or  
13 may revoke or suspend that person's license or may take other  
14 disciplinary action against that person based solely upon the  
15 certification of delinquency made by the Department of  
16 Healthcare and Family Services in accordance with paragraph (5)  
17 of subsection (a) of Section 2105-15 ~~1205-15~~ of the Civil  
18 Administrative Code of Illinois.

19           (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;  
20 98-339, eff. 12-31-13; revised 11-25-14.)

21           Section 85. The Registered Surgical Assistant and  
22 Registered Surgical Technologist Title Protection Act is  
23 amended by changing Section 75 as follows:

24           (225 ILCS 130/75)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 75. Grounds for disciplinary action.

3 (a) The Department may refuse to issue, renew, or restore a  
4 registration, may revoke or suspend a registration, or may  
5 place on probation, reprimand, or take other disciplinary or  
6 non-disciplinary action with regard to a person registered  
7 under this Act, including but not limited to the imposition of  
8 fines not to exceed \$10,000 for each violation and the  
9 assessment of costs as provided for in Section 90, for any one  
10 or combination of the following causes:

11 (1) Making a material misstatement in furnishing  
12 information to the Department.

13 (2) Violating a provision of this Act or rules adopted  
14 under this Act.

15 (3) Conviction by plea of guilty or nolo contendere,  
16 finding of guilt, jury verdict, or entry of judgment or by  
17 sentencing of any crime, including, but not limited to,  
18 convictions, preceding sentences of supervision,  
19 conditional discharge, or first offender probation, under  
20 the laws of any jurisdiction of the United States that is  
21 (i) a felony or (ii) a misdemeanor, an essential element of  
22 which is dishonesty, or that is directly related to the  
23 practice of the profession.

24 (4) Fraud or misrepresentation in applying for,  
25 renewing, restoring, reinstating, or procuring a  
26 registration under this Act.

1           (5) Aiding or assisting another person in violating a  
2 provision of this Act or its rules.

3           (6) Failing to provide information within 60 days in  
4 response to a written request made by the Department.

5           (7) Engaging in dishonorable, unethical, or  
6 unprofessional conduct of a character likely to deceive,  
7 defraud, or harm the public, as defined by rule of the  
8 Department.

9           (8) Discipline by another United States jurisdiction,  
10 governmental agency, unit of government, or foreign  
11 nation, if at least one of the grounds for discipline is  
12 the same or substantially equivalent to those set forth in  
13 this Section.

14           (9) Directly or indirectly giving to or receiving from  
15 a person, firm, corporation, partnership, or association a  
16 fee, commission, rebate, or other form of compensation for  
17 professional services not actually or personally rendered.  
18 Nothing in this paragraph (9) affects any bona fide  
19 independent contractor or employment arrangements among  
20 health care professionals, health facilities, health care  
21 providers, or other entities, except as otherwise  
22 prohibited by law. Any employment arrangements may include  
23 provisions for compensation, health insurance, pension, or  
24 other employment benefits for the provision of services  
25 within the scope of the registrant's practice under this  
26 Act. Nothing in this paragraph (9) shall be construed to

1           require an employment arrangement to receive professional  
2           fees for services rendered.

3           (10) A finding by the Department that the registrant,  
4           after having his or her registration placed on probationary  
5           status, has violated the terms of probation.

6           (11) Willfully making or filing false records or  
7           reports in his or her practice, including but not limited  
8           to false records or reports filed with State agencies.

9           (12) Willfully making or signing a false statement,  
10          certificate, or affidavit to induce payment.

11          (13) Willfully failing to report an instance of  
12          suspected child abuse or neglect as required under the  
13          Abused and Neglected Child Reporting Act.

14          (14) Being named as a perpetrator in an indicated  
15          report by the Department of Children and Family Services  
16          under the Abused and Neglected Child Reporting Act and upon  
17          proof by clear and convincing evidence that the registrant  
18          has caused a child to be an abused child or neglected child  
19          as defined in the Abused and Neglected Child Reporting Act.

20          (15) (Blank).

21          (16) Failure to report to the Department (A) any  
22          adverse final action taken against the registrant by  
23          another registering or licensing jurisdiction, government  
24          agency, law enforcement agency, or any court or (B)  
25          liability for conduct that would constitute grounds for  
26          action as set forth in this Section.

1           (17) Habitual or excessive use or abuse of drugs  
2 defined in law as controlled substances, alcohol, or any  
3 other substance that results in the inability to practice  
4 with reasonable judgment, skill, or safety.

5           (18) Physical or mental illness, including but not  
6 limited to deterioration through the aging process or loss  
7 of motor skills, which results in the inability to practice  
8 the profession for which he or she is registered with  
9 reasonable judgment, skill, or safety.

10           (19) Gross malpractice.

11           (20) Immoral conduct in the commission of an act  
12 related to the registrant's practice, including but not  
13 limited to sexual abuse, sexual misconduct, or sexual  
14 exploitation.

15           (21) Violation of the Health Care Worker Self-Referral  
16 Act.

17           (b) The Department may refuse to issue or may suspend  
18 without hearing the registration of a person who fails to file  
19 a return, to pay the tax, penalty, or interest shown in a filed  
20 return, or to pay a final assessment of the tax, penalty, or  
21 interest as required by a tax Act administered by the  
22 Department of Revenue, until the requirements of the tax Act  
23 are satisfied in accordance with subsection (g) of Section  
24 2105-15 of the Department of Regulation Law of the Civil  
25 Administrative Code of Illinois.

26           (c) The determination by a circuit court that a registrant

1 is subject to involuntary admission or judicial admission as  
2 provided in the Mental Health and Developmental Disabilities  
3 Code operates as an automatic suspension. The suspension will  
4 end only upon (1) a finding by a court that the patient is no  
5 longer subject to involuntary admission or judicial admission,  
6 (2) issuance of an order so finding and discharging the  
7 patient, and (3) filing of a petition for restoration  
8 demonstrating fitness to practice.

9 (d) (Blank) ~~The Department shall deny a registration or~~  
10 ~~renewal authorized by this Act to a person who has defaulted on~~  
11 ~~an educational loan or scholarship provided or guaranteed by~~  
12 ~~the Illinois Student Assistance Commission or any governmental~~  
13 ~~agency of this State in accordance with paragraph (5) of~~  
14 ~~subsection (a) of Section 2105-15 of the Department of~~  
15 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

16 (e) In cases where the Department of Healthcare and Family  
17 Services has previously determined a registrant or a potential  
18 registrant is more than 30 days delinquent in the payment of  
19 child support and has subsequently certified the delinquency to  
20 the Department, the Department may refuse to issue or renew or  
21 may revoke or suspend that person's registration or may take  
22 other disciplinary action against that person based solely upon  
23 the certification of delinquency made by the Department of  
24 Healthcare and Family Services in accordance with paragraph (5)  
25 of subsection (a) of Section 2105-15 of the Department of  
26 Professional Regulation Law of the Civil Administrative Code of

1 Illinois.

2 (f) In enforcing this Section, the Department, upon a  
3 showing of a possible violation, may compel any individual  
4 registered under this Act or any individual who has applied for  
5 registration to submit to a mental or physical examination and  
6 evaluation, or both, that may include a substance abuse or  
7 sexual offender evaluation, at the expense of the Department.  
8 The Department shall specifically designate the examining  
9 physician licensed to practice medicine in all of its branches  
10 or, if applicable, the multidisciplinary team involved in  
11 providing the mental or physical examination and evaluation, or  
12 both. The multidisciplinary team shall be led by a physician  
13 licensed to practice medicine in all of its branches and may  
14 consist of one or more or a combination of physicians licensed  
15 to practice medicine in all of its branches, licensed  
16 chiropractic physicians, licensed clinical psychologists,  
17 licensed clinical social workers, licensed clinical  
18 professional counselors, and other professional and  
19 administrative staff. Any examining physician or member of the  
20 multidisciplinary team may require any person ordered to submit  
21 to an examination and evaluation pursuant to this Section to  
22 submit to any additional supplemental testing deemed necessary  
23 to complete any examination or evaluation process, including,  
24 but not limited to, blood testing, urinalysis, psychological  
25 testing, or neuropsychological testing.

26 The Department may order the examining physician or any



1 member of the multidisciplinary team to provide to the  
2 Department any and all records, including business records,  
3 that relate to the examination and evaluation, including any  
4 supplemental testing performed. The Department may order the  
5 examining physician or any member of the multidisciplinary team  
6 to present testimony concerning this examination and  
7 evaluation of the registrant or applicant, including testimony  
8 concerning any supplemental testing or documents relating to  
9 the examination and evaluation. No information, report,  
10 record, or other documents in any way related to the  
11 examination and evaluation shall be excluded by reason of any  
12 common law or statutory privilege relating to communication  
13 between the registrant or applicant and the examining physician  
14 or any member of the multidisciplinary team. No authorization  
15 is necessary from the registrant or applicant ordered to  
16 undergo an evaluation and examination for the examining  
17 physician or any member of the multidisciplinary team to  
18 provide information, reports, records, or other documents or to  
19 provide any testimony regarding the examination and  
20 evaluation. The individual to be examined may have, at his or  
21 her own expense, another physician of his or her choice present  
22 during all aspects of the examination.

23 Failure of any individual to submit to mental or physical  
24 examination and evaluation, or both, when directed, shall  
25 result in an automatic suspension without a hearing until such  
26 time as the individual submits to the examination. If the

1 Department finds a registrant unable to practice because of the  
2 reasons set forth in this Section, the Department shall require  
3 such registrant to submit to care, counseling, or treatment by  
4 physicians approved or designated by the Department as a  
5 condition for continued, reinstated, or renewed registration.

6 When the Secretary immediately suspends a registration  
7 under this Section, a hearing upon such person's registration  
8 must be convened by the Department within 15 days after such  
9 suspension and completed without appreciable delay. The  
10 Department shall have the authority to review the registrant's  
11 record of treatment and counseling regarding the impairment to  
12 the extent permitted by applicable federal statutes and  
13 regulations safeguarding the confidentiality of medical  
14 records.

15 Individuals registered under this Act and affected under  
16 this Section shall be afforded an opportunity to demonstrate to  
17 the Department that they can resume practice in compliance with  
18 acceptable and prevailing standards under the provisions of  
19 their registration.

20 (g) All fines imposed under this Section shall be paid  
21 within 60 days after the effective date of the order imposing  
22 the fine or in accordance with the terms set forth in the order  
23 imposing the fine.

24 (Source: P.A. 98-364, eff. 12-31-13.)

25 Section 90. The Genetic Counselor Licensing Act is amended

1 by changing Section 95 as follows:

2 (225 ILCS 135/95)

3 (Section scheduled to be repealed on January 1, 2025)

4 Sec. 95. Grounds for discipline.

5 (a) The Department may refuse to issue, renew, or may  
6 revoke, suspend, place on probation, reprimand, or take other  
7 disciplinary or non-disciplinary action as the Department  
8 deems appropriate, including the issuance of fines not to  
9 exceed \$10,000 for each violation, with regard to any license  
10 for any one or more of the following:

11 (1) Material misstatement in furnishing information to  
12 the Department or to any other State agency.

13 (2) Violations or negligent or intentional disregard  
14 of this Act, or any of its rules.

15 (3) Conviction by plea of guilty or nolo contendere,  
16 finding of guilt, jury verdict, or entry of judgment or  
17 sentencing, including, but not limited to, convictions,  
18 preceding sentences of supervision, conditional discharge,  
19 or first offender probation, under the laws of any  
20 jurisdiction of the United States: (i) that is a felony or  
21 (ii) that is a misdemeanor, an essential element of which  
22 is dishonesty, or that is directly related to the practice  
23 of genetic counseling.

24 (4) Making any misrepresentation for the purpose of  
25 obtaining a license, or violating any provision of this Act

1 or its rules.

2 (5) Negligence in the rendering of genetic counseling  
3 services.

4 (6) Failure to provide genetic testing results and any  
5 requested information to a referring physician licensed to  
6 practice medicine in all its branches, advanced practice  
7 nurse, or physician assistant.

8 (7) Aiding or assisting another person in violating any  
9 provision of this Act or any rules.

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

12 (9) Engaging in dishonorable, unethical, or  
13 unprofessional conduct of a character likely to deceive,  
14 defraud, or harm the public and violating the rules of  
15 professional conduct adopted by the Department.

16 (10) Failing to maintain the confidentiality of any  
17 information received from a client, unless otherwise  
18 authorized or required by law.

19 (10.5) Failure to maintain client records of services  
20 provided and provide copies to clients upon request.

21 (11) Exploiting a client for personal advantage,  
22 profit, or interest.

23 (12) Habitual or excessive use or addiction to alcohol,  
24 narcotics, stimulants, or any other chemical agent or drug  
25 which results in inability to practice with reasonable  
26 skill, judgment, or safety.

1           (13) Discipline by another governmental agency or unit  
2 of government, by any jurisdiction of the United States, or  
3 by a foreign nation, if at least one of the grounds for the  
4 discipline is the same or substantially equivalent to those  
5 set forth in this Section.

6           (14) Directly or indirectly giving to or receiving from  
7 any person, firm, corporation, partnership, or association  
8 any fee, commission, rebate, or other form of compensation  
9 for any professional service not actually rendered.  
10 Nothing in this paragraph (14) affects any bona fide  
11 independent contractor or employment arrangements among  
12 health care professionals, health facilities, health care  
13 providers, or other entities, except as otherwise  
14 prohibited by law. Any employment arrangements may include  
15 provisions for compensation, health insurance, pension, or  
16 other employment benefits for the provision of services  
17 within the scope of the licensee's practice under this Act.  
18 Nothing in this paragraph (14) shall be construed to  
19 require an employment arrangement to receive professional  
20 fees for services rendered.

21           (15) A finding by the Department that the licensee,  
22 after having the license placed on probationary status has  
23 violated the terms of probation.

24           (16) Failing to refer a client to other health care  
25 professionals when the licensee is unable or unwilling to  
26 adequately support or serve the client.

1           (17) Willfully filing false reports relating to a  
2           licensee's practice, including but not limited to false  
3           records filed with federal or State agencies or  
4           departments.

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

8           (19) Being named as a perpetrator in an indicated  
9           report by the Department of Children and Family Services  
10          pursuant to the Abused and Neglected Child Reporting Act,  
11          and upon proof by clear and convincing evidence that the  
12          licensee has caused a child to be an abused child or  
13          neglected child as defined in the Abused and Neglected  
14          Child Reporting Act.

15          (20) Physical or mental disability, including  
16          deterioration through the aging process or loss of  
17          abilities and skills which results in the inability to  
18          practice the profession with reasonable judgment, skill,  
19          or safety.

20          (21) Solicitation of professional services by using  
21          false or misleading advertising.

22          (22) Failure to file a return, or to pay the tax,  
23          penalty of interest shown in a filed return, or to pay any  
24          final assessment of tax, penalty or interest, as required  
25          by any tax Act administered by the Illinois Department of  
26          Revenue or any successor agency or the Internal Revenue

1 Service or any successor agency.

2 (23) Fraud or making any misrepresentation in applying  
3 for or procuring a license under this Act or in connection  
4 with applying for renewal of a license under this Act.

5 (24) Practicing or attempting to practice under a name  
6 other than the full name as shown on the license or any  
7 other legally authorized name.

8 (25) Gross overcharging for professional services,  
9 including filing statements for collection of fees or  
10 monies for which services are not rendered.

11 (26) Providing genetic counseling services to  
12 individuals, couples, groups, or families without a  
13 referral from either a physician licensed to practice  
14 medicine in all its branches, an advanced practice nurse  
15 who has a collaborative agreement with a collaborating  
16 physician that authorizes the advanced practice nurse to  
17 make referrals to a genetic counselor, or a physician  
18 assistant who has been delegated authority to make  
19 referrals to genetic counselors.

20 (27) Charging for professional services not rendered,  
21 including filing false statements for the collection of  
22 fees for which services are not rendered.

23 (28) Allowing one's license under this Act to be used  
24 by an unlicensed person in violation of this Act.

25 (b) (Blank) ~~The Department shall deny, without hearing, any~~  
26 ~~application or renewal for a license under this Act to any~~

1 ~~person who has defaulted on an educational loan guaranteed by~~  
2 ~~the Illinois State Assistance Commission; however, the~~  
3 ~~Department may issue a license or renewal if the person in~~  
4 ~~default has established a satisfactory repayment record as~~  
5 ~~determined by the Illinois Student Assistance Commission.~~

6 (c) The determination by a court that a licensee is subject  
7 to involuntary admission or judicial admission as provided in  
8 the Mental Health and Developmental Disabilities Code will  
9 result in an automatic suspension of his or her license. The  
10 suspension will end upon a finding by a court that the licensee  
11 is no longer subject to involuntary admission or judicial  
12 admission, the issuance of an order so finding and discharging  
13 the patient, and the determination of the Secretary that the  
14 licensee be allowed to resume professional practice.

15 (d) The Department may refuse to issue or renew or may  
16 suspend without hearing the license of any person who fails to  
17 file a return, to pay the tax penalty or interest shown in a  
18 filed return, or to pay any final assessment of the tax,  
19 penalty, or interest as required by any Act regarding the  
20 payment of taxes administered by the Illinois Department of  
21 Revenue until the requirements of the Act are satisfied in  
22 accordance with subsection (g) of Section 2105-15 of the Civil  
23 Administrative Code of Illinois.

24 (e) In cases where the Department of Healthcare and Family  
25 Services has previously determined that a licensee or a  
26 potential licensee is more than 30 days delinquent in the



1 payment of child support and has subsequently certified the  
2 delinquency to the Department, the Department may refuse to  
3 issue or renew or may revoke or suspend that person's license  
4 or may take other disciplinary action against that person based  
5 solely upon the certification of delinquency made by the  
6 Department of Healthcare and Family Services in accordance with  
7 item (5) of subsection (a) of Section 2105-15 of the Department  
8 of Professional Regulation Law of the Civil Administrative Code  
9 of Illinois.

10 (f) All fines or costs imposed under this Section shall be  
11 paid within 60 days after the effective date of the order  
12 imposing the fine or costs or in accordance with the terms set  
13 forth in the order imposing the fine.

14 (Source: P.A. 97-813, eff. 7-13-12; 98-813, eff. 1-1-15.)

15 Section 95. The Illinois Architecture Practice Act of 1989  
16 is amended by changing Section 22 as follows:

17 (225 ILCS 305/22) (from Ch. 111, par. 1322)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 22. Refusal, suspension and revocation of licenses;  
20 causes.

21 (a) The Department may, singularly or in combination,  
22 refuse to issue, renew or restore, or may suspend, revoke,  
23 place on probation, or take other disciplinary or  
24 non-disciplinary action as deemed appropriate, including, but

1 not limited to, the imposition of fines not to exceed \$10,000  
2 for each violation, as the Department may deem proper, with  
3 regard to a license for any one or combination of the following  
4 causes:

5 (1) material misstatement in furnishing information to  
6 the Department;

7 (2) negligence, incompetence or misconduct in the  
8 practice of architecture;

9 (3) failure to comply with any of the provisions of  
10 this Act or any of the rules;

11 (4) making any misrepresentation for the purpose of  
12 obtaining licensure;

13 (5) purposefully making false statements or signing  
14 false statements, certificates or affidavits to induce  
15 payment;

16 (6) conviction of or plea of guilty or nolo contendere  
17 to any crime that is a felony under the laws of the United  
18 States or any state or territory thereof or that is a  
19 misdemeanor, an essential element of which is dishonesty,  
20 or any crime that is directly related to the practice of  
21 the profession of architecture;

22 (7) aiding or assisting another person in violating any  
23 provision of this Act or its rules;

24 (8) signing, affixing the architect's seal or  
25 permitting the architect's seal to be affixed to any  
26 technical submission not prepared by the architect or under

1 that architect's responsible control;

2 (9) engaging in dishonorable, unethical or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud or harm the public;

5 (10) habitual or excessive use or addiction to alcohol,  
6 narcotics, stimulants, or any other chemical agent or drug  
7 that results in the inability to practice with reasonable  
8 judgment, skill, or safety;

9 (11) making a statement of compliance pursuant to the  
10 Environmental Barriers Act that technical submissions  
11 prepared by the architect or prepared under the architect's  
12 responsible control for construction or alteration of an  
13 occupancy required to be in compliance with the  
14 Environmental Barriers Act are in compliance with the  
15 Environmental Barriers Act when such technical submissions  
16 are not in compliance;

17 (12) a finding by the Board that an applicant or  
18 registrant has failed to pay a fine imposed by the  
19 Department or a registrant, whose license has been placed  
20 on probationary status, has violated the terms of  
21 probation;

22 (13) discipline by another state, territory, foreign  
23 country, the District of Columbia, the United States  
24 government, or any other governmental agency, if at least  
25 one of the grounds for discipline is the same or  
26 substantially equivalent to those set forth herein;

1           (14) failure to provide information in response to a  
2 written request made by the Department within 30 days after  
3 the receipt of such written request;

4           (15) physical illness, including, but not limited to,  
5 deterioration through the aging process or loss of motor  
6 skill, mental illness, or disability which results in the  
7 inability to practice the profession with reasonable  
8 judgment, skill, and safety, including without limitation  
9 deterioration through the aging process, mental illness,  
10 or disability.

11           (a-5) In enforcing this Section, the Department or Board,  
12 upon a showing of a possible violation, may order a licensee or  
13 applicant to submit to a mental or physical examination, or  
14 both, at the expense of the Department. The Department or Board  
15 may order the examining physician to present testimony  
16 concerning his or her examination of the licensee or applicant.  
17 No information shall be excluded by reason of any common law or  
18 statutory privilege relating to communications between the  
19 licensee or applicant and the examining physician. The  
20 examining physicians shall be specifically designated by the  
21 Board or Department. The licensee or applicant may have, at his  
22 or her own expense, another physician of his or her choice  
23 present during all aspects of the examination. Failure of a  
24 licensee or applicant to submit to any such examination when  
25 directed, without reasonable cause as defined by rule, shall be  
26 grounds for either the immediate suspension of his or her

1 license or immediate denial of his or her application.

2 If the Secretary immediately suspends the license of a  
3 licensee for his or her failure to submit to a mental or  
4 physical examination when directed, a hearing must be convened  
5 by the Department within 15 days after the suspension and  
6 completed without appreciable delay.

7 If the Secretary otherwise suspends a license pursuant to  
8 the results of the licensee's mental or physical examination, a  
9 hearing must be convened by the Department within 15 days after  
10 the suspension and completed without appreciable delay. The  
11 Department and Board shall have the authority to review the  
12 licensee's record of treatment and counseling regarding the  
13 relevant impairment or impairments to the extent permitted by  
14 applicable federal statutes and regulations safeguarding the  
15 confidentiality of medical records.

16 Any licensee suspended under this subsection (a-5) shall be  
17 afforded an opportunity to demonstrate to the Department or  
18 Board that he or she can resume practice in compliance with the  
19 acceptable and prevailing standards under the provisions of his  
20 or her license.

21 (b) The determination by a circuit court that a licensee is  
22 subject to involuntary admission or judicial admission, as  
23 provided in the Mental Health and Developmental Disabilities  
24 Code, operates as an automatic suspension. Such suspension will  
25 end only upon a finding by a court that the patient is no  
26 longer subject to involuntary admission or judicial admission,

1 the issuance of an order so finding and discharging the  
2 patient, and the recommendation of the Board to the Secretary  
3 that the licensee be allowed to resume practice.

4 (c) (Blank) ~~The Department shall deny a license or renewal~~  
5 ~~authorized by this Act to a person who has defaulted on an~~  
6 ~~educational loan or scholarship provided or guaranteed by the~~  
7 ~~Illinois Student Assistance Commission or any governmental~~  
8 ~~agency of this State in accordance with subdivision (a) (5) of~~  
9 ~~Section 2105-15 of the Department of Professional Regulation~~  
10 ~~Law of the Civil Administrative Code of Illinois.~~

11 (d) In cases where the Department of Healthcare and Family  
12 Services (formerly the Department of Public Aid) has previously  
13 determined that a licensee or a potential licensee is more than  
14 30 days delinquent in the payment of child support and has  
15 subsequently certified the delinquency to the Department, the  
16 Department shall refuse to issue or renew or shall revoke or  
17 suspend that person's license or shall take other disciplinary  
18 action against that person based solely upon the certification  
19 of delinquency made by the Department of Healthcare and Family  
20 Services in accordance with subdivision (a) (5) of Section  
21 2105-15 of the Department of Professional Regulation Law of the  
22 Civil Administrative Code of Illinois.

23 (e) The Department shall deny a license or renewal  
24 authorized by this Act to a person who has failed to file a  
25 return, to pay the tax, penalty, or interest shown in a filed  
26 return, or to pay any final assessment of tax, penalty, or

1 interest as required by any tax Act administered by the  
2 Department of Revenue, until such time as the requirements of  
3 the tax Act are satisfied in accordance with subsection (g) of  
4 Section 2105-15 of the Department of Professional Regulation  
5 Law of the Civil Administrative Code of Illinois.

6 (f) Persons who assist the Department as consultants or  
7 expert witnesses in the investigation or prosecution of alleged  
8 violations of the Act, licensure matters, restoration  
9 proceedings, or criminal prosecutions, shall not be liable for  
10 damages in any civil action or proceeding as a result of such  
11 assistance, except upon proof of actual malice. The attorney  
12 general shall defend such persons in any such action or  
13 proceeding.

14 (Source: P.A. 98-756, eff. 7-16-14.)

15 Section 100. The Interior Design Title Act is amended by  
16 changing Section 13 as follows:

17 (225 ILCS 310/13) (from Ch. 111, par. 8213)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 13. Refusal, revocation or suspension of  
20 registration. The Department may refuse to issue, renew, or  
21 restore or may revoke, suspend, place on probation, reprimand  
22 or take other disciplinary action as the Department may deem  
23 proper, including fines not to exceed \$5,000 for each  
24 violation, with regard to any registration for any one or

1 combination of the following causes:

2 (a) Fraud in procuring the certificate of  
3 registration.

4 (b) Habitual intoxication or addiction to the use of  
5 drugs.

6 (c) Making any misrepresentations or false promises,  
7 directly or indirectly, to influence, persuade, or induce  
8 patronage.

9 (d) Professional connection or association with, or  
10 lending his or her name, to another for illegal use of the  
11 title "registered interior designer", or professional  
12 connection or association with any person, firm, or  
13 corporation holding itself out in any manner contrary to  
14 this Act.

15 (e) Obtaining or seeking to obtain checks, money, or  
16 any other items of value by false or fraudulent  
17 representations.

18 (f) Use of the title under a name other than his or her  
19 own.

20 (g) Improper, unprofessional, or dishonorable conduct  
21 of a character likely to deceive, defraud, or harm the  
22 public.

23 (h) Conviction in this or another state, or federal  
24 court, of any crime which is a felony, if the Department  
25 determines, after investigation, that such person has not  
26 been sufficiently rehabilitated to warrant the public



1 trust.

2 (i) A violation of any provision of this Act or its  
3 rules.

4 (j) Revocation by another state, the District of  
5 Columbia, territory, or foreign nation of an interior  
6 design or residential interior design registration if at  
7 least one of the grounds for that revocation is the same as  
8 or the equivalent of one of the grounds for revocation set  
9 forth in this Act.

10 (k) Mental incompetence as declared by a court of  
11 competent jurisdiction.

12 (l) Being named as a perpetrator in an indicated report  
13 by the Department of Children and Family Services pursuant  
14 to the Abused and Neglected Child Reporting Act, and upon  
15 proof by clear and convincing evidence that the registrant  
16 has caused a child to be an abused child or neglected child  
17 as defined in the Abused and Neglected Child Reporting Act.

18 ~~The Department shall deny a registration or renewal~~  
19 ~~authorized by this Act to any person who has defaulted on an~~  
20 ~~educational loan guaranteed by the Illinois Student Assistance~~  
21 ~~Commission; however, the Department may issue a certificate of~~  
22 ~~registration or renewal if such person has established a~~  
23 ~~satisfactory repayment record as determined by the Illinois~~  
24 ~~Student Assistance Commission.~~

25 The Department may refuse to issue or may suspend the  
26 registration of any person who fails to file a return, or to

1 pay the tax, penalty, or interest showing in a filed return, or  
2 to pay any final assessment of tax, penalty, or interest, as  
3 required by any tax Act administered by the Illinois Department  
4 of Revenue, until such time as the requirements of any such tax  
5 Act are satisfied.

6 The entry of a decree by any circuit court establishing  
7 that any person holding a certificate of registration under  
8 this Act is a person subject to involuntary admission under the  
9 Mental Health and Developmental Disabilities Code shall  
10 operate as a suspension of that registration. That person may  
11 resume using the title "registered interior designer" only upon  
12 a finding by the Board that he or she has been determined to be  
13 no longer subject to involuntary admission by the court and  
14 upon the Board's recommendation to the Director that he or she  
15 be permitted to resume using the title "registered interior  
16 designer".

17 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

18 Section 105. The Professional Engineering Practice Act of  
19 1989 is amended by changing Section 24 as follows:

20 (225 ILCS 325/24) (from Ch. 111, par. 5224)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 24. Rules of professional conduct; disciplinary or  
23 administrative action.

24 (a) The Department shall adopt rules setting standards of

1 professional conduct and establish appropriate penalties for  
2 the breach of such rules.

3 (a-1) The Department may, singularly or in combination,  
4 refuse to issue, renew, or restore a license or may revoke,  
5 suspend, place on probation, reprimand, or take other  
6 disciplinary or non-disciplinary action with regard to a person  
7 licensed under this Act, including but not limited to, the  
8 imposition of a fine not to exceed \$10,000 per violation upon  
9 any person, corporation, partnership, or professional design  
10 firm licensed or registered under this Act, for any one or  
11 combination of the following causes:

12 (1) Material misstatement in furnishing information to  
13 the Department.

14 (2) Violations of this Act or any of its rules.

15 (3) Conviction of or entry of a plea of guilty or nolo  
16 contendere to any crime that is a felony under the laws of  
17 the United States or any state or territory thereof, or  
18 that is a misdemeanor, an essential element of which is  
19 dishonesty, or any crime that is directly related to the  
20 practice of engineering.

21 (4) Making any misrepresentation for the purpose of  
22 obtaining, renewing, or restoring a license or violating  
23 any provision of this Act or the rules promulgated under  
24 this Act pertaining to advertising.

25 (5) Willfully making or signing a false statement,  
26 certificate, or affidavit to induce payment.

1           (6) Negligence, incompetence or misconduct in the  
2 practice of professional engineering as a licensed  
3 professional engineer or in working as an engineer intern.

4           (7) Aiding or assisting another person in violating any  
5 provision of this Act or its rules.

6           (8) Failing to provide information in response to a  
7 written request made by the Department within 30 days after  
8 receipt of such written request.

9           (9) Engaging in dishonorable, unethical or  
10 unprofessional conduct of a character likely to deceive,  
11 defraud or harm the public.

12           (10) Inability to practice the profession with  
13 reasonable judgment, skill, or safety as a result of a  
14 physical illness, including, but not limited to,  
15 deterioration through the aging process or loss of motor  
16 skill, or mental illness or disability.

17           (11) Discipline by the United States Government,  
18 another state, District of Columbia, territory, foreign  
19 nation or government agency, if at least one of the grounds  
20 for the discipline is the same or substantially equivalent  
21 to those set forth in this Act.

22           (12) Directly or indirectly giving to or receiving from  
23 any person, firm, corporation, partnership or association  
24 any fee, commission, rebate or other form of compensation  
25 for any professional services not actually or personally  
26 rendered.

1           (13) A finding by the Department that an applicant or  
2           registrant has failed to pay a fine imposed by the  
3           Department, a registrant whose license has been placed on  
4           probationary status has violated the terms of probation, or  
5           a registrant has practiced on an expired, inactive,  
6           suspended, or revoked license.

7           (14) Signing, affixing the professional engineer's  
8           seal or permitting the professional engineer's seal to be  
9           affixed to any technical submissions not prepared as  
10          required by Section 14 or completely reviewed by the  
11          professional engineer or under the professional engineer's  
12          direct supervision.

13          (15) Inability to practice the profession with  
14          reasonable judgment, skill or safety as a result of  
15          habitual or excessive use or addiction to alcohol,  
16          narcotics, stimulants, or any other chemical agent or drug.

17          (16) The making of a statement pursuant to the  
18          Environmental Barriers Act that a plan for construction or  
19          alteration of a public facility or for construction of a  
20          multi-story housing unit is in compliance with the  
21          Environmental Barriers Act when such plan is not in  
22          compliance.

23          (17) (Blank).

24          (a-2) The Department shall deny a license or renewal  
25          authorized by this Act to a person who has failed to file a  
26          return, to pay the tax, penalty, or interest shown in a filed

1 return, or to pay any final assessment of tax, penalty, or  
2 interest as required by any tax Act administered by the  
3 Department of Revenue, until such time as the requirements of  
4 the tax Act are satisfied in accordance with subsection (g) of  
5 Section 2105-15 of the Department of Professional Regulation  
6 Law of the Civil Administrative Code of Illinois (20 ILCS  
7 2105/2105-15).

8 (a-3) (Blank) ~~The Department shall deny a license or~~  
9 ~~renewal authorized by this Act to a person who has defaulted on~~  
10 ~~an educational loan or scholarship provided or guaranteed by~~  
11 ~~the Illinois Student Assistance Commission or any governmental~~  
12 ~~agency of this State in accordance with subdivision (a) (5) of~~  
13 ~~Section 2105-15 of the Department of Professional Regulation~~  
14 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~  
15 ~~2105/2105-15).~~

16 (a-4) In cases where the Department of Healthcare and  
17 Family Services (formerly the Department of Public Aid) has  
18 previously determined that a licensee or a potential licensee  
19 is more than 30 days delinquent in the payment of child support  
20 and has subsequently certified the delinquency to the  
21 Department, the Department shall refuse to issue or renew or  
22 shall revoke or suspend that person's license or shall take  
23 other disciplinary action against that person based solely upon  
24 the certification of delinquency made by the Department of  
25 Healthcare and Family Services in accordance with subdivision  
26 (a) (5) of Section 2105-15 of the Department of Professional

1 Regulation Law of the Civil Administrative Code of Illinois (20  
2 ILCS 2105/2105-15).

3 (a-5) In enforcing this Section, the Department or Board,  
4 upon a showing of a possible violation, may order a licensee or  
5 applicant to submit to a mental or physical examination, or  
6 both, at the expense of the Department. The Department or Board  
7 may order the examining physician to present testimony  
8 concerning his or her examination of the licensee or applicant.  
9 No information shall be excluded by reason of any common law or  
10 statutory privilege relating to communications between the  
11 licensee or applicant and the examining physician. The  
12 examining physicians shall be specifically designated by the  
13 Board or Department. The licensee or applicant may have, at his  
14 or her own expense, another physician of his or her choice  
15 present during all aspects of the examination. Failure of a  
16 licensee or applicant to submit to any such examination when  
17 directed, without reasonable cause as defined by rule, shall be  
18 grounds for either the immediate suspension of his or her  
19 license or immediate denial of his or her application.

20 If the Secretary immediately suspends the license of a  
21 licensee for his or her failure to submit to a mental or  
22 physical examination when directed, a hearing must be convened  
23 by the Department within 15 days after the suspension and  
24 completed without appreciable delay.

25 If the Secretary otherwise suspends a license pursuant to  
26 the results of the licensee's mental or physical examination, a

1 hearing must be convened by the Department within 15 days after  
2 the suspension and completed without appreciable delay. The  
3 Department and Board shall have the authority to review the  
4 licensee's record of treatment and counseling regarding the  
5 relevant impairment or impairments to the extent permitted by  
6 applicable federal statutes and regulations safeguarding the  
7 confidentiality of medical records.

8 Any licensee suspended under this subsection (a-5) shall be  
9 afforded an opportunity to demonstrate to the Department or  
10 Board that he or she can resume practice in compliance with the  
11 acceptable and prevailing standards under the provisions of his  
12 or her license.

13 (b) The determination by a circuit court that a registrant  
14 is subject to involuntary admission or judicial admission as  
15 provided in the Mental Health and Developmental Disabilities  
16 Code, as now or hereafter amended, operates as an automatic  
17 suspension. Such suspension will end only upon a finding by a  
18 court that the patient is no longer subject to involuntary  
19 admission or judicial admission, the issuance of an order so  
20 finding and discharging the patient, and the recommendation of  
21 the Board to the Director that the registrant be allowed to  
22 resume practice.

23 (Source: P.A. 98-756, eff. 7-16-14.)

24 Section 110. The Illinois Professional Land Surveyor Act of  
25 1989 is amended by changing Section 27 as follows:



1 (225 ILCS 330/27) (from Ch. 111, par. 3277)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 27. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or renew a license,  
5 or may place on probation or administrative supervision,  
6 suspend, or revoke any license, or may reprimand or take any  
7 disciplinary or non-disciplinary action as the Department may  
8 deem proper, including the imposition of fines not to exceed  
9 \$10,000 per violation, upon any person, corporation,  
10 partnership, or professional land surveying firm licensed or  
11 registered under this Act for any of the following reasons:

12 (1) material misstatement in furnishing information to  
13 the Department;

14 (2) violation, including, but not limited to, neglect  
15 or intentional disregard, of this Act, or its rules;

16 (3) conviction of, or entry of a plea of guilty or nolo  
17 contendere to, any crime that is a felony under the laws of  
18 the United States or any state or territory thereof or that  
19 is a misdemeanor of which an essential element is  
20 dishonesty, or any crime that is directly related to the  
21 practice of the profession;

22 (4) making any misrepresentation for the purpose of  
23 obtaining a license, or in applying for restoration or  
24 renewal, or the practice of any fraud or deceit in taking  
25 any examination to qualify for licensure under this Act;

1           (5) purposefully making false statements or signing  
2 false statements, certificates, or affidavits to induce  
3 payment;

4           (6) proof of carelessness, incompetence, negligence,  
5 or misconduct in practicing land surveying;

6           (7) aiding or assisting another person in violating any  
7 provision of this Act or its rules;

8           (8) failing to provide information in response to a  
9 written request made by the Department within 30 days after  
10 receipt of such written request;

11           (9) engaging in dishonorable, unethical, or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud, or harm the public;

14           (10) inability to practice with reasonable judgment,  
15 skill, or safety as a result of habitual or excessive use  
16 of, or addiction to, alcohol, narcotics, stimulants or any  
17 other chemical agent or drug;

18           (11) discipline by the United States government,  
19 another state, District of Columbia, territory, foreign  
20 nation or government agency if at least one of the grounds  
21 for the discipline is the same or substantially equivalent  
22 to those set forth in this Act;

23           (12) directly or indirectly giving to or receiving from  
24 any person, firm, corporation, partnership, or association  
25 any fee, commission, rebate, or other form of compensation  
26 for any professional services not actually or personally

1 rendered;

2 (12.5) issuing a map or plat of survey where the fee  
3 for professional services is contingent on a real estate  
4 transaction closing;

5 (13) a finding by the Department that an applicant or  
6 licensee has failed to pay a fine imposed by the Department  
7 or a licensee whose license has been placed on probationary  
8 status has violated the terms of probation;

9 (14) practicing on an expired, inactive, suspended, or  
10 revoked license;

11 (15) signing, affixing the Professional Land  
12 Surveyor's seal or permitting the Professional Land  
13 Surveyor's seal to be affixed to any map or plat of survey  
14 not prepared by the Professional Land Surveyor or under the  
15 Professional Land Surveyor's direct supervision and  
16 control;

17 (16) inability to practice the profession with  
18 reasonable judgment, skill, or safety as a result of  
19 physical illness, including, but not limited to,  
20 deterioration through the aging process or loss of motor  
21 skill or a mental illness or disability;

22 (17) (blank); or

23 (18) failure to adequately supervise or control land  
24 surveying operations being performed by subordinates.

25 (a-5) In enforcing this Section, the Department or Board,  
26 upon a showing of a possible violation, may compel a person

1 licensed to practice under this Act, or who has applied for  
2 licensure or certification pursuant to this Act, to submit to a  
3 mental or physical examination, or both, as required by and at  
4 the expense of the Department. The Department or Board may  
5 order the examining physician to present testimony concerning  
6 the mental or physical examination of the licensee or  
7 applicant. No information shall be excluded by reason of any  
8 common law or statutory privilege relating to communications  
9 between the licensee or applicant and the examining physician.  
10 The examining physicians shall be specifically designated by  
11 the Board or Department. The individual to be examined may  
12 have, at his or her own expense, another physician of his or  
13 her choice present during all aspects of the examination.  
14 Failure of an individual to submit to a mental or physical  
15 examination when directed shall be grounds for the immediate  
16 suspension of his or her license until the individual submits  
17 to the examination if the Department finds that the refusal to  
18 submit to the examination was without reasonable cause as  
19 defined by rule.

20 If the Secretary immediately suspends the license of a  
21 licensee for his or her failure to submit to a mental or  
22 physical examination when directed, a hearing must be convened  
23 by the Department within 15 days after the suspension and  
24 completed without appreciable delay.

25 If the Secretary otherwise suspends a person's license  
26 pursuant to the results of a compelled mental or physical

1 examination, a hearing on that person's license must be  
2 convened by the Department within 15 days after the suspension  
3 and completed without appreciable delay. The Department and  
4 Board shall have the authority to review the subject  
5 individual's record of treatment and counseling regarding  
6 impairment to the extent permitted by applicable federal  
7 statutes and regulations safeguarding the confidentiality of  
8 medical records.

9 Any licensee suspended under this subsection (a-5) shall be  
10 afforded an opportunity to demonstrate to the Department or  
11 Board that he or she can resume practice in compliance with the  
12 acceptable and prevailing standards under the provisions of his  
13 or her license.

14 (b) The determination by a circuit court that a licensee is  
15 subject to involuntary admission or judicial admission as  
16 provided in the Mental Health and Developmental Disabilities  
17 Code, as now or hereafter amended, operates as an automatic  
18 license suspension. Such suspension will end only upon a  
19 finding by a court that the patient is no longer subject to  
20 involuntary admission or judicial admission and the issuance of  
21 an order so finding and discharging the patient and upon the  
22 recommendation of the Board to the Director that the licensee  
23 be allowed to resume his or her practice.

24 (c) (Blank) ~~The Department shall deny a license or renewal~~  
25 ~~authorized by this Act to a person who has defaulted on an~~  
26 ~~educational loan or scholarship provided or guaranteed by the~~

1 ~~Illinois Student Assistance Commission or any governmental~~  
2 ~~agency of this State in accordance with subdivision (a) (5) of~~  
3 ~~Section 2105-15 of the Department of Professional Regulation~~  
4 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~  
5 ~~2105/2105-15).~~

6 (d) In cases where the Department of Healthcare and Family  
7 Services (formerly the Department of Public Aid) has previously  
8 determined that a licensee or a potential licensee is more than  
9 30 days delinquent in the payment of child support and has  
10 subsequently certified the delinquency to the Department, the  
11 Department shall refuse to issue or renew or shall revoke or  
12 suspend that person's license or shall take other disciplinary  
13 action against that person based solely upon the certification  
14 of delinquency made by the Department of Healthcare and Family  
15 Services in accordance with subdivision (a) (5) of Section  
16 2105-15 of the Department of Professional Regulation Law of the  
17 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

18 (e) The Department shall refuse to issue or renew or shall  
19 revoke or suspend a person's license or shall take other  
20 disciplinary action against that person for his or her failure  
21 to file a return, to pay the tax, penalty, or interest shown in  
22 a filed return, or to pay any final assessment of tax, penalty,  
23 or interest as required by any tax Act administered by the  
24 Department of Revenue, until such time as the requirements of  
25 the tax Act are satisfied in accordance with subsection (g) of  
26 Section 2105-15 of the Department of Professional Regulation

1 Law of the Civil Administrative Code of Illinois (20 ILCS  
2 2105/2105-15).

3 (Source: P.A. 98-756, eff. 7-16-14.)

4 Section 115. The Illinois Roofing Industry Licensing Act is  
5 amended by changing Section 9.1 as follows:

6 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 9.1. Grounds for disciplinary action. The Department  
9 may refuse to issue or to renew, or may revoke, suspend, place  
10 on probation, reprimand or take other disciplinary or  
11 non-disciplinary action as the Department may deem proper,  
12 including fines not to exceed \$10,000 for each violation, with  
13 regard to any license for any one or combination of the  
14 following causes:

15 (a) violation of this Act or its rules;

16 (b) conviction or plea of guilty or nolo contendere of  
17 any crime under the laws of the United States or any state  
18 or territory thereof that is (i) a felony or (ii) a  
19 misdemeanor, an essential element of which is dishonesty or  
20 that is directly related to the practice of the profession;

21 (c) making any misrepresentation for the purpose of  
22 obtaining a license;

23 (d) professional incompetence or gross negligence in  
24 the practice of roofing contracting, prima facie evidence

1 of which may be a conviction or judgment in any court of  
2 competent jurisdiction against an applicant or licensee  
3 relating to the practice of roofing contracting or the  
4 construction of a roof or repair thereof that results in  
5 leakage within 90 days after the completion of such work;

6 (e) (blank);

7 (f) aiding or assisting another person in violating any  
8 provision of this Act or rules;

9 (g) failing, within 60 days, to provide information in  
10 response to a written request made by the Department which  
11 has been sent by certified or registered mail to the  
12 licensee's last known address;

13 (h) engaging in dishonorable, unethical, or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud, or harm the public;

16 (i) habitual or excessive use or addiction to alcohol,  
17 narcotics, stimulants or any other chemical agent or drug  
18 which results in the inability to practice with reasonable  
19 judgment, skill, or safety;

20 (j) discipline by another U.S. jurisdiction or foreign  
21 nation, if at least one of the grounds for the discipline  
22 is the same or substantially equivalent to those set forth  
23 in this Section;

24 (k) directly or indirectly giving to or receiving from  
25 any person, firm, corporation, partnership, or association  
26 any fee, commission, rebate, or other form of compensation



1 for any professional services not actually or personally  
2 rendered;

3 (l) a finding by the Department that the licensee,  
4 after having his or her license placed on probationary  
5 status has violated the terms of probation;

6 (m) a finding by any court of competent jurisdiction,  
7 either within or without this State, of any violation of  
8 any law governing the practice of roofing contracting, if  
9 the Department determines, after investigation, that such  
10 person has not been sufficiently rehabilitated to warrant  
11 the public trust;

12 (n) a finding that licensure has been applied for or  
13 obtained by fraudulent means;

14 (o) practicing, attempting to practice, or advertising  
15 under a name other than the full name as shown on the  
16 license or any other legally authorized name;

17 (p) gross and willful overcharging for professional  
18 services including filing false statements for collection  
19 of fees or monies for which services are not rendered;

20 (q) failure to file a return, or to pay the tax,  
21 penalty or interest shown in a filed return, or to pay any  
22 final assessment of tax, penalty or interest, as required  
23 by any tax Act administered by the Illinois Department of  
24 Revenue, until such time as the requirements of any such  
25 tax Act are satisfied;

26 (r) (blank) ~~the Department shall deny any license or~~

1 ~~renewal under this Act to any person who has defaulted on~~  
2 ~~an educational loan guaranteed by the Illinois State~~  
3 ~~Scholarship Commission; however, the Department may issue~~  
4 ~~a license or renewal if the person in default has~~  
5 ~~established a satisfactory repayment record as determined~~  
6 ~~by the Illinois State Scholarship Commission;~~

7 (s) failure to continue to meet the requirements of  
8 this Act shall be deemed a violation;

9 (t) physical or mental disability, including  
10 deterioration through the aging process or loss of  
11 abilities and skills that result in an inability to  
12 practice the profession with reasonable judgment, skill,  
13 or safety;

14 (u) material misstatement in furnishing information to  
15 the Department or to any other State agency;

16 (v) the determination by a court that a licensee is  
17 subject to involuntary admission or judicial admission as  
18 provided in the Mental Health and Developmental  
19 Disabilities Code will result in an automatic suspension of  
20 his or her license. The suspension will end upon a finding  
21 by a court that the licensee is no longer subject to  
22 involuntary admission or judicial admission, the issuance  
23 of an order so finding and discharging the patient, and the  
24 recommendation of the Board to the Director that the  
25 licensee be allowed to resume professional practice;

26 (w) advertising in any manner that is false,

1 misleading, or deceptive;

2 (x) taking undue advantage of a customer, which results  
3 in the perpetration of a fraud;

4 (y) performing any act or practice that is a violation  
5 of the Consumer Fraud and Deceptive Business Practices Act;

6 (z) engaging in the practice of roofing contracting, as  
7 defined in this Act, with a suspended, revoked, or  
8 cancelled license;

9 (aa) treating any person differently to the person's  
10 detriment because of race, color, creed, gender, age,  
11 religion, or national origin;

12 (bb) knowingly making any false statement, oral,  
13 written, or otherwise, of a character likely to influence,  
14 persuade, or induce others in the course of obtaining or  
15 performing roofing contracting services;

16 (cc) violation of any final administrative action of  
17 the Secretary;

18 (dd) allowing the use of his or her roofing license by  
19 an unlicensed roofing contractor for the purposes of  
20 providing roofing or waterproofing services; or

21 (ee) aiding or assisting another person in violating  
22 any provision of this Act or its rules, including, but not  
23 limited to, Section 9 of this Act.

24 The changes to this Act made by this amendatory Act of 1997  
25 apply only to disciplinary actions relating to events occurring  
26 after the effective date of this amendatory Act of 1997.

1 (Source: P.A. 95-303, eff. 1-1-08; 96-1324, eff. 7-27-10.)

2 Section 120. The Structural Engineering Practice Act of  
3 1989 is amended by changing Section 20 as follows:

4 (225 ILCS 340/20) (from Ch. 111, par. 6620)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 20. Refusal; revocation; suspension.

7 (a) The Department may refuse to issue or renew, or may  
8 revoke a license, or may suspend, place on probation, fine, or  
9 take any disciplinary or non-disciplinary action as the  
10 Department may deem proper, including a fine not to exceed  
11 \$10,000 for each violation, with regard to any licensee for any  
12 one or combination of the following reasons:

13 (1) Material misstatement in furnishing information to  
14 the Department;

15 (2) Negligence, incompetence or misconduct in the  
16 practice of structural engineering;

17 (3) Making any misrepresentation for the purpose of  
18 obtaining licensure;

19 (4) The affixing of a licensed structural engineer's  
20 seal to any plans, specifications or drawings which have  
21 not been prepared by or under the immediate personal  
22 supervision of that licensed structural engineer or  
23 reviewed as provided in this Act;

24 (5) Conviction of, or entry of a plea of guilty or nolo

1           contendere to, any crime that is a felony under the laws of  
2           the United States or of any state or territory thereof, or  
3           that is a misdemeanor an essential element of which is  
4           dishonesty, or any crime that is directly related to the  
5           practice of the profession;

6           (6) Making a statement of compliance pursuant to the  
7           Environmental Barriers Act, as now or hereafter amended,  
8           that a plan for construction or alteration of a public  
9           facility or for construction of a multi-story housing unit  
10          is in compliance with the Environmental Barriers Act when  
11          such plan is not in compliance;

12          (7) Failure to comply with any of the provisions of  
13          this Act or its rules;

14          (8) Aiding or assisting another person in violating any  
15          provision of this Act or its rules;

16          (9) Engaging in dishonorable, unethical or  
17          unprofessional conduct of a character likely to deceive,  
18          defraud or harm the public, as defined by rule;

19          (10) Habitual or excessive use or addiction to alcohol,  
20          narcotics, stimulants, or any other chemical agent or drug  
21          that results in the inability to practice with reasonable  
22          judgment, skill, or safety;

23          (11) Failure of an applicant or licensee to pay a fine  
24          imposed by the Department or a licensee whose license has  
25          been placed on probationary status has violated the terms  
26          of probation;

1           (12) Discipline by another state, territory, foreign  
2 country, the District of Columbia, the United States  
3 government, or any other governmental agency, if at least  
4 one of the grounds for discipline is the same or  
5 substantially equivalent to those set forth in this  
6 Section;

7           (13) Failure to provide information in response to a  
8 written request made by the Department within 30 days after  
9 the receipt of such written request; or

10          (14) Physical illness, including but not limited to,  
11 deterioration through the aging process or loss of motor  
12 skill, mental illness, or disability which results in the  
13 inability to practice the profession of structural  
14 engineering with reasonable judgment, skill, or safety.

15          (a-5) In enforcing this Section, the Department or Board,  
16 upon a showing of a possible violation, may order a licensee or  
17 applicant to submit to a mental or physical examination, or  
18 both, at the expense of the Department. The Department or Board  
19 may order the examining physician to present testimony  
20 concerning his or her examination of the licensee or applicant.  
21 No information shall be excluded by reason of any common law or  
22 statutory privilege relating to communications between the  
23 licensee or applicant and the examining physician. The  
24 examining physicians shall be specifically designated by the  
25 Board or Department. The licensee or applicant may have, at his  
26 or her own expense, another physician of his or her choice

1 present during all aspects of the examination. Failure of a  
2 licensee or applicant to submit to any such examination when  
3 directed, without reasonable cause as defined by rule, shall be  
4 grounds for either the immediate suspension of his or her  
5 license or immediate denial of his or her application.

6 If the Secretary immediately suspends the license of a  
7 licensee for his or her failure to submit to a mental or  
8 physical examination when directed, a hearing must be convened  
9 by the Department within 15 days after the suspension and  
10 completed without appreciable delay.

11 If the Secretary otherwise suspends a license pursuant to  
12 the results of the licensee's mental or physical examination, a  
13 hearing must be convened by the Department within 15 days after  
14 the suspension and completed without appreciable delay. The  
15 Department and Board shall have the authority to review the  
16 licensee's record of treatment and counseling regarding the  
17 relevant impairment or impairments to the extent permitted by  
18 applicable federal statutes and regulations safeguarding the  
19 confidentiality of medical records.

20 Any licensee suspended under this subsection (a-5) shall be  
21 afforded an opportunity to demonstrate to the Department or  
22 Board that he or she can resume practice in compliance with the  
23 acceptable and prevailing standards under the provisions of his  
24 or her license.

25 (b) The determination by a circuit court that a licensee is  
26 subject to involuntary admission or judicial admission, as

1 provided in the Mental Health and Developmental Disabilities  
2 Code, operates as an automatic suspension. Such suspension will  
3 end only upon a finding by a court that the patient is no  
4 longer subject to involuntary admission or judicial admission,  
5 the issuance of an order so finding and discharging the  
6 patient, and the recommendation of the Board to the Secretary  
7 that the licensee be allowed to resume practice.

8 (c) (Blank) ~~The Department shall deny a license or renewal~~  
9 ~~authorized by this Act to a person who has defaulted on an~~  
10 ~~educational loan or scholarship provided or guaranteed by the~~  
11 ~~Illinois Student Assistance Commission or any governmental~~  
12 ~~agency of this State in accordance with subdivision (a) (5) of~~  
13 ~~Section 2105-15 of the Department of Professional Regulation~~  
14 ~~Law of the Civil Administrative Code of Illinois.~~

15 (d) In cases where the Department of Healthcare and Family  
16 Services (formerly the Department of Public Aid) has previously  
17 determined that a licensee or a potential licensee is more than  
18 30 days delinquent in the payment of child support and has  
19 subsequently certified the delinquency to the Department, the  
20 Department shall refuse to issue or renew or shall revoke or  
21 suspend that person's license or shall take other disciplinary  
22 action against that person based solely upon the certification  
23 of delinquency made by the Department of Healthcare and Family  
24 Services in accordance with subdivision (a) (5) of Section  
25 2105-15 of the Department of Professional Regulation Law of the  
26 Civil Administrative Code of Illinois.



1 (e) The Department shall deny a license or renewal  
2 authorized by this Act to a person who has failed to file a  
3 return, to pay the tax, penalty, or interest shown in a filed  
4 return, or to pay any final assessment of tax, penalty, or  
5 interest as required by any tax Act administered by the  
6 Department of Revenue, until such time as the requirements of  
7 the tax Act are satisfied in accordance with subsection (g) of  
8 Section 2105-15 of the Department of Professional Regulation  
9 Law of the Civil Administrative Code of Illinois.

10 (f) Persons who assist the Department as consultants or  
11 expert witnesses in the investigation or prosecution of alleged  
12 violations of the Act, licensure matters, restoration  
13 proceedings, or criminal prosecutions, are not liable for  
14 damages in any civil action or proceeding as a result of such  
15 assistance, except upon proof of actual malice. The Attorney  
16 General of the State of Illinois shall defend such persons in  
17 any such action or proceeding.

18 (Source: P.A. 98-756, eff. 7-16-14.)

19 Section 125. The Auction License Act is amended by changing  
20 Section 20-20 as follows:

21 (225 ILCS 407/20-20)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 20-20. Termination without hearing for failure to pay  
24 taxes or ~~7~~ child support, ~~or a student loan~~. The Department may

1 terminate or otherwise discipline any license issued under this  
2 Act without hearing if the appropriate administering agency  
3 provides adequate information and proof that the licensee has:

4 (1) failed to file a return, to pay the tax, penalty,  
5 or interest shown in a filed return, or to pay any final  
6 assessment of tax, penalty, or interest, as required by any  
7 tax act administered by the Illinois Department of Revenue  
8 until the requirements of the tax act are satisfied;

9 (2) failed to pay any court ordered child support as  
10 determined by a court order or by referral from the  
11 Department of Healthcare and Family Services (formerly  
12 Illinois Department of Public Aid); or

13 (3) (blank) ~~failed to repay any student loan or~~  
14 ~~assistance as determined by the Illinois Student~~  
15 ~~Assistance Commission.~~

16 If a license is terminated or otherwise disciplined  
17 pursuant to this Section, the licensee may request a hearing as  
18 provided by this Act within 30 days of notice of termination or  
19 discipline.

20 (Source: P.A. 95-331, eff. 8-21-07; 95-572, eff. 6-1-08.)

21 Section 130. The Barber, Cosmetology, Esthetics, Hair  
22 Braiding, and Nail Technology Act of 1985 is amended by  
23 changing Section 4-7 as follows:

24 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 4-7. Refusal, suspension and revocation of licenses;  
3 causes; disciplinary action.

4 (1) The Department may refuse to issue or renew, and may  
5 suspend, revoke, place on probation, reprimand or take any  
6 other disciplinary or non-disciplinary action as the  
7 Department may deem proper, including civil penalties not to  
8 exceed \$500 for each violation, with regard to any license for  
9 any one, or any combination, of the following causes:

10 a. Conviction of any crime under the laws of the United  
11 States or any state or territory thereof that is (i) a  
12 felony, (ii) a misdemeanor, an essential element of which  
13 is dishonesty, or (iii) a crime which is related to the  
14 practice of the profession.

15 b. Conviction of any of the violations listed in  
16 Section 4-20.

17 c. Material misstatement in furnishing information to  
18 the Department.

19 d. Making any misrepresentation for the purpose of  
20 obtaining a license or violating any provision of this Act  
21 or its rules.

22 e. Aiding or assisting another person in violating any  
23 provision of this Act or its rules.

24 f. Failing, within 60 days, to provide information in  
25 response to a written request made by the Department.

26 g. Discipline by another state, territory, or country

1 if at least one of the grounds for the discipline is the  
2 same as or substantially equivalent to those set forth in  
3 this Act.

4 h. Practice in the barber, nail technology, esthetics,  
5 hair braiding, or cosmetology profession, or an attempt to  
6 practice in those professions, by fraudulent  
7 misrepresentation.

8 i. Gross malpractice or gross incompetency.

9 j. Continued practice by a person knowingly having an  
10 infectious or contagious disease.

11 k. Solicitation of professional services by using  
12 false or misleading advertising.

13 l. A finding by the Department that the licensee, after  
14 having his or her license placed on probationary status,  
15 has violated the terms of probation.

16 m. Directly or indirectly giving to or receiving from  
17 any person, firm, corporation, partnership or association  
18 any fee, commission, rebate, or other form of compensation  
19 for any professional services not actually or personally  
20 rendered.

21 n. Violating any of the provisions of this Act or rules  
22 adopted pursuant to this Act.

23 o. Willfully making or filing false records or reports  
24 relating to a licensee's practice, including but not  
25 limited to, false records filed with State agencies or  
26 departments.

1           p. Habitual or excessive use addiction to alcohol,  
2           narcotics, stimulants, or any other chemical agent or drug  
3           that results in the inability to practice with reasonable  
4           judgment, skill or safety.

5           q. Engaging in dishonorable, unethical or  
6           unprofessional conduct of a character likely to deceive,  
7           defraud, or harm the public as may be defined by rules of  
8           the Department, or violating the rules of professional  
9           conduct which may be adopted by the Department.

10          r. Permitting any person to use for any unlawful or  
11          fraudulent purpose one's diploma or license or certificate  
12          of registration as a cosmetologist, nail technician,  
13          esthetician, hair braider, or barber or cosmetology, nail  
14          technology, esthetics, hair braiding, or barber teacher or  
15          salon or shop or cosmetology clinic teacher.

16          s. Being named as a perpetrator in an indicated report  
17          by the Department of Children and Family Services under the  
18          Abused and Neglected Child Reporting Act and upon proof by  
19          clear and convincing evidence that the licensee has caused  
20          a child to be an abused child or neglected child as defined  
21          in the Abused and Neglected Child Reporting Act.

22          (2) In rendering an order, the Secretary shall take into  
23          consideration the facts and circumstances involving the type of  
24          acts or omissions in paragraph (1) of this Section including,  
25          but not limited to:

26                 (a) the extent to which public confidence in the

1       cosmetology, nail technology, esthetics, hair braiding, or  
2       barbering profession was, might have been, or may be,  
3       injured;

4       (b) the degree of trust and dependence among the  
5       involved parties;

6       (c) the character and degree of harm which did result  
7       or might have resulted;

8       (d) the intent or mental state of the licensee at the  
9       time of the acts or omissions.

10       (3) The Department shall reissue the license or  
11       registration upon certification by the Board that the  
12       disciplined licensee or registrant has complied with all of the  
13       terms and conditions set forth in the final order or has been  
14       sufficiently rehabilitated to warrant the public trust.

15       (4) The Department shall refuse to issue or renew or  
16       suspend without hearing the license or certificate of  
17       registration of any person who fails to file a return, or to  
18       pay the tax, penalty or interest shown in a filed return, or to  
19       pay any final assessment of tax, penalty or interest, as  
20       required by any tax Act administered by the Illinois Department  
21       of Revenue, until such time as the requirements of any such tax  
22       Act are satisfied as determined by the Department of Revenue.

23       (5) (Blank) ~~The Department shall deny without hearing any~~  
24       ~~application for a license or renewal of a license under this~~  
25       ~~Act by a person who has defaulted on an educational loan~~  
26       ~~guaranteed by the Illinois Student Assistance Commission;~~

1 ~~however, the Department may issue or renew a license if the~~  
2 ~~person in default has established a satisfactory repayment~~  
3 ~~record as determined by the Illinois Student Assistance~~  
4 ~~Commission.~~

5 (6) All fines imposed under this Section shall be paid  
6 within 60 days after the effective date of the order imposing  
7 the fine or in accordance with the terms set forth in the order  
8 imposing the fine.

9 (Source: P.A. 98-911, eff. 1-1-15.)

10 Section 135. The Electrologist Licensing Act is amended by  
11 changing Section 75 as follows:

12 (225 ILCS 412/75)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 75. Grounds for discipline.

15 (a) The Department may refuse to issue or renew and may  
16 revoke or suspend a license under this Act, and may place on  
17 probation, reprimand, or take other disciplinary or  
18 non-disciplinary action with regard to any licensee under this  
19 Act, as the Department may consider appropriate, including  
20 imposing fines not to exceed \$10,000 for each violation and  
21 assess costs as provided for under Section 95 of this Act, for  
22 one or any combination of the following causes:

23 (1) Material misstatement in furnishing information to  
24 the Department.

1           (2) Violation of this Act or rules adopted under this  
2 Act.

3           (3) Conviction by plea of guilty or nolo contendere,  
4 finding of guilt, jury verdict, or entry of judgment or  
5 sentencing, including, but not limited to, convictions,  
6 preceding sentences of supervision, conditional discharge,  
7 or first offender probation, under the laws of any  
8 jurisdiction of the United States that is (i) a felony or  
9 (ii) a misdemeanor, an essential element of which is  
10 dishonesty, or that is directly related to the practice of  
11 electrology.

12           (4) Fraud or misrepresentation in applying for or  
13 procuring a license under this Act, or in connection with  
14 applying for renewal of a license under this Act.

15           (5) Aiding or assisting another person in violating any  
16 provision of this Act or its rules.

17           (6) Failing to provide information within 60 days in  
18 response to a written request made by the Department.

19           (7) Engaging in dishonorable, unethical, or  
20 unprofessional conduct of a character likely to deceive,  
21 defraud, or harm the public.

22           (8) Habitual or excessive use or abuse of drugs defined  
23 in law as controlled substances, alcohol, or any other  
24 substance that results in an electrologist's inability to  
25 practice with reasonable judgment, skill, or safety.

26           (9) Discipline by another governmental agency, unit of



1 government, U.S. jurisdiction, or foreign nation if at  
2 least one of the grounds for discipline is the same as or  
3 substantially equivalent to any of those set forth in this  
4 Act.

5 (10) Directly or indirectly giving to or receiving from  
6 any person, firm, corporation, partnership, or association  
7 any fee, commission, rebate, or other form of compensation  
8 for any professional services not actually or personally  
9 rendered. Nothing in this paragraph (10) affects any bona  
10 fide independent contractor or employment arrangements  
11 among health care professionals, health facilities, health  
12 care providers, or other entities, except as otherwise  
13 prohibited by law. Any employment arrangements with health  
14 care providers may include provisions for compensation,  
15 health insurance, pension, or other employment benefits  
16 for the provision of services within the scope of the  
17 licensee's practice under this Act. Nothing in this  
18 paragraph (10) shall be construed to require an employment  
19 arrangement to receive professional fees for services  
20 rendered.

21 (11) A finding by the Department that the licensee,  
22 after having his or her license placed on probationary  
23 status, has violated the terms of probation.

24 (12) Abandonment of a patient.

25 (13) Willfully making or filing false records or  
26 reports in the licensee's practice, including, but not

1 limited to, false records filed with State agencies or  
2 departments.

3 (14) Mental or physical illness or disability,  
4 including, but not limited to, deterioration through the  
5 aging process or loss of motor skill that results in the  
6 inability to practice the profession with reasonable  
7 judgment, skill, or safety.

8 (15) Negligence in his or her practice under this Act.

9 (16) Use of fraud, deception, or any unlawful means in  
10 applying for and securing a license as an electrologist.

11 (17) Immoral conduct in the commission of any act, such  
12 as sexual abuse, sexual misconduct, or sexual  
13 exploitation, related to the licensee's practice.

14 (18) Failure to comply with standards of sterilization  
15 and sanitation as defined in the rules of the Department.

16 (19) Charging for professional services not rendered,  
17 including filing false statements for the collection of  
18 fees for which services are not rendered.

19 (20) Allowing one's license under this Act to be used  
20 by an unlicensed person in violation of this Act.

21 (b) The Department may refuse to issue or renew or may  
22 suspend without hearing the license of any person who fails to  
23 file a return, to pay the tax, penalty or interest shown in a  
24 filed return, or to pay any final assessment of the tax,  
25 penalty, or interest as required by any tax Act administered by  
26 the Illinois Department of Revenue until the requirements of

1 the tax Act are satisfied in accordance with subsection (g) of  
2 Section 2105-15 of the Department of Professional Regulation  
3 Law of the Civil Administrative Code of Illinois.

4 (c) The determination by a circuit court that a licensee is  
5 subject to involuntary admission or judicial admission as  
6 provided in the Mental Health and Developmental Disabilities  
7 Code operates as an automatic suspension. The suspension will  
8 end only upon a finding by a court that the patient is no  
9 longer subject to involuntary admission or judicial admission,  
10 the issuance of an order so finding and discharging the  
11 patient, and the filing of a petition for restoration  
12 demonstrating fitness to practice.

13 (d) In enforcing this Section, the Department, upon a  
14 showing of a possible violation, may compel any individual who  
15 is licensed to practice under this Act or any individual who  
16 has applied for licensure to submit to a mental or physical  
17 examination and evaluation, or both, that may include a  
18 substance abuse or sexual offender evaluation, at the expense  
19 of the Department. The Department shall specifically designate  
20 the examining physician licensed to practice medicine in all of  
21 its branches or, if applicable, the multidisciplinary team  
22 involved in providing the mental or physical examination and  
23 evaluation, or both. The multidisciplinary team shall be led by  
24 a physician licensed to practice medicine in all of its  
25 branches and may consist of one or more or a combination of  
26 physicians licensed to practice medicine in all of its

1 branches, licensed chiropractic physicians, licensed clinical  
2 psychologists, licensed clinical social workers, licensed  
3 clinical professional counselors, and other professional and  
4 administrative staff. Any examining physician or member of the  
5 multidisciplinary team may require any person ordered to submit  
6 to an examination and evaluation pursuant to this Section to  
7 submit to any additional supplemental testing deemed necessary  
8 to complete any examination or evaluation process, including,  
9 but not limited to, blood testing, urinalysis, psychological  
10 testing, or neuropsychological testing.

11 The Department may order the examining physician or any  
12 member of the multidisciplinary team to provide to the  
13 Department any and all records, including business records,  
14 that relate to the examination and evaluation, including any  
15 supplemental testing performed. The Department may order the  
16 examining physician or any member of the multidisciplinary team  
17 to present testimony concerning this examination and  
18 evaluation of the licensee, permit holder, or applicant,  
19 including testimony concerning any supplemental testing or  
20 documents relating to the examination and evaluation. No  
21 information, report, record, or other documents in any way  
22 related to the examination and evaluation shall be excluded by  
23 reason of any common law or statutory privilege relating to  
24 communication between the licensee or applicant and the  
25 examining physician or any member of the multidisciplinary  
26 team. No authorization is necessary from the licensee or

1 applicant ordered to undergo an evaluation and examination for  
2 the examining physician or any member of the multidisciplinary  
3 team to provide information, reports, records, or other  
4 documents or to provide any testimony regarding the examination  
5 and evaluation. The individual to be examined may have, at his  
6 or her own expense, another physician of his or her choice  
7 present during all aspects of the examination.

8 Failure of any individual to submit to mental or physical  
9 examination and evaluation, or both, when directed, shall  
10 result in an automatic suspension without hearing, until such  
11 time as the individual submits to the examination. If the  
12 Department finds a licensee unable to practice because of the  
13 reasons set forth in this Section, the Department shall require  
14 the licensee to submit to care, counseling, or treatment by  
15 physicians approved or designated by the Department as a  
16 condition for continued, reinstated, or renewed licensure to  
17 practice.

18 When the Secretary immediately suspends a license under  
19 this Section, a hearing upon the person's license must be  
20 convened by the Department within 15 days after the suspension  
21 and completed without appreciable delay. The Department shall  
22 have the authority to review the licensee's record of treatment  
23 and counseling regarding the impairment to the extent permitted  
24 by applicable federal statutes and regulations safeguarding  
25 the confidentiality of medical records.

26 Individuals licensed under this Act affected under this

1 Section shall be afforded an opportunity to demonstrate to the  
2 Department that they can resume practice in compliance with  
3 acceptable and prevailing standards under the provisions of  
4 their license.

5 (e) (Blank) ~~The Department shall deny a license or renewal~~  
6 ~~authorized by this Act to a person who has defaulted on an~~  
7 ~~educational loan or scholarship provided or guaranteed by the~~  
8 ~~Illinois Student Assistance Commission or any governmental~~  
9 ~~agency of this State in accordance with item (5) of subsection~~  
10 ~~(a) of Section 2105-15 of the Department of Professional~~  
11 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

12 (f) In cases where the Department of Healthcare and Family  
13 Services has previously determined a licensee or a potential  
14 licensee is more than 30 days delinquent in the payment of  
15 child support and has subsequently certified the delinquency to  
16 the Department, the Department may refuse to issue or renew or  
17 may revoke or suspend that person's license or may take other  
18 disciplinary action against that person based solely upon the  
19 certification of delinquency made by the Department of  
20 Healthcare and Family Services in accordance with item (5) of  
21 subsection (a) of Section 2105-15 of the Department of  
22 Professional Regulation Law of the Civil Administrative Code of  
23 Illinois.

24 (g) All fines or costs imposed under this Section shall be  
25 paid within 60 days after the effective date of the order  
26 imposing the fine or costs or in accordance with the terms set

1       forth in the order imposing the fine.

2       (Source: P.A. 98-363, eff. 8-16-13.)

3               Section 140. The Illinois Certified Shorthand Reporters  
4       Act of 1984 is amended by changing Section 23 as follows:

5               (225 ILCS 415/23) (from Ch. 111, par. 6223)

6               (Section scheduled to be repealed on January 1, 2024)

7               Sec. 23. Grounds for disciplinary action.

8               (a) The Department may refuse to issue or renew, or may  
9       revoke, suspend, place on probation, reprimand or take other  
10      disciplinary or non-disciplinary action as the Department may  
11      deem appropriate, including imposing fines not to exceed  
12      \$10,000 for each violation and the assessment of costs as  
13      provided for in Section 23.3 of this Act, with regard to any  
14      license for any one or combination of the following:

15              (1) Material misstatement in furnishing information to  
16      the Department;

17              (2) Violations of this Act, or of the rules promulgated  
18      thereunder;

19              (3) Conviction by plea of guilty or nolo contendere,  
20      finding of guilt, jury verdict, or entry of judgment or by  
21      sentencing of any crime, including, but not limited to,  
22      convictions, preceding sentences of supervision,  
23      conditional discharge, or first offender probation under  
24      the laws of any jurisdiction of the United States: (i) that

1 is a felony or (ii) that is a misdemeanor, an essential  
2 element of which is dishonesty, or that is directly related  
3 to the practice of the profession;

4 (4) Fraud or any misrepresentation in applying for or  
5 procuring a license under this Act or in connection with  
6 applying for renewal of a license under this Act;

7 (5) Professional incompetence;

8 (6) Aiding or assisting another person, firm,  
9 partnership or corporation in violating any provision of  
10 this Act or rules;

11 (7) Failing, within 60 days, to provide information in  
12 response to a written request made by the Department;

13 (8) Engaging in dishonorable, unethical or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud or harm the public;

16 (9) Habitual or excessive use or abuse of drugs defined  
17 in law as controlled substances, alcohol, or any other  
18 substances that results in the inability to practice with  
19 reasonable judgment, skill, or safety;

20 (10) Discipline by another state, unit of government,  
21 government agency, the District of Columbia, a territory,  
22 or foreign nation, if at least one of the grounds for the  
23 discipline is the same or substantially equivalent to those  
24 set forth herein;

25 (11) Charging for professional services not rendered,  
26 including filing false statements for the collection of



1 fees for which services were not rendered, or giving,  
2 directly or indirectly, any gift or anything of value to  
3 attorneys or their staff or any other persons or entities  
4 associated with any litigation, that exceeds \$100 total per  
5 year; for the purposes of this Section, pro bono services,  
6 as defined by State law, are permissible in any amount;

7 (12) A finding by the Board that the certificate  
8 holder, after having his certificate placed on  
9 probationary status, has violated the terms of probation;

10 (13) Willfully making or filing false records or  
11 reports in the practice of shorthand reporting, including  
12 but not limited to false records filed with State agencies  
13 or departments;

14 (14) Physical illness, including but not limited to,  
15 deterioration through the aging process, or loss of motor  
16 skill which results in the inability to practice under this  
17 Act with reasonable judgment, skill or safety;

18 (15) Solicitation of professional services other than  
19 by permitted advertising;

20 (16) Willful failure to take full and accurate  
21 stenographic notes of any proceeding;

22 (17) Willful alteration of any stenographic notes  
23 taken at any proceeding;

24 (18) Willful failure to accurately transcribe verbatim  
25 any stenographic notes taken at any proceeding;

26 (19) Willful alteration of a transcript of

1 stenographic notes taken at any proceeding;

2 (20) Affixing one's signature to any transcript of his  
3 stenographic notes or certifying to its correctness unless  
4 the transcript has been prepared by him or under his  
5 immediate supervision;

6 (21) Willful failure to systematically retain  
7 stenographic notes or transcripts on paper or any  
8 electronic media for 10 years from the date that the notes  
9 or transcripts were taken;

10 (22) Failure to deliver transcripts in a timely manner  
11 or in accordance with contractual agreements;

12 (23) Establishing contingent fees as a basis of  
13 compensation;

14 (24) Mental illness or disability that results in the  
15 inability to practice under this Act with reasonable  
16 judgment, skill, or safety;

17 (25) Practicing under a false or assumed name, except  
18 as provided by law;

19 (26) Cheating on or attempting to subvert the licensing  
20 examination administered under this Act;

21 (27) Allowing one's license under this Act to be used  
22 by an unlicensed person in violation of this Act.

23 All fines imposed under this Section shall be paid within  
24 60 days after the effective date of the order imposing the fine  
25 or in accordance with the terms set forth in the order imposing  
26 the fine.

1           (b) The determination by a circuit court that a certificate  
2 holder is subject to involuntary admission or judicial  
3 admission as provided in the Mental Health and Developmental  
4 Disabilities Code, operates as an automatic suspension. Such  
5 suspension will end only upon a finding by a court that the  
6 patient is no longer subject to involuntary admission or  
7 judicial admission, an order by the court so finding and  
8 discharging the patient. In any case where a license is  
9 suspended under this Section, the licensee may file a petition  
10 for restoration and shall include evidence acceptable to the  
11 Department that the licensee can resume practice in compliance  
12 with acceptable and prevailing standards of the profession.

13           (c) In cases where the Department of Healthcare and Family  
14 Services has previously determined a licensee or a potential  
15 licensee is more than 30 days delinquent in the payment of  
16 child support and has subsequently certified the delinquency to  
17 the Department, the Department may refuse to issue or renew or  
18 may revoke or suspend that person's license or may take other  
19 disciplinary action against that person based solely upon the  
20 certification of delinquency made by the Department of  
21 Healthcare and Family Services in accordance with item (5) of  
22 subsection (a) of Section 2105-15 of the Civil Administrative  
23 Code of Illinois.

24           (d) In enforcing this Section, the Department, upon a  
25 showing of a possible violation, may compel any individual who  
26 is certified under this Act or any individual who has applied

1 for certification under this Act to submit to a mental or  
2 physical examination and evaluation, or both, which may include  
3 a substance abuse or sexual offender evaluation, at the expense  
4 of the Department. The Department shall specifically designate  
5 the examining physician licensed to practice medicine in all of  
6 its branches or, if applicable, the multidisciplinary team  
7 involved in providing the mental or physical examination and  
8 evaluation, or both. The multidisciplinary team shall be led by  
9 a physician licensed to practice medicine in all of its  
10 branches and may consist of one or more or a combination of  
11 physicians licensed to practice medicine in all of its  
12 branches, licensed chiropractic physicians, licensed clinical  
13 psychologists, licensed clinical social workers, licensed  
14 clinical professional counselors, and other professional and  
15 administrative staff. Any examining physician or member of the  
16 multidisciplinary team may require any person ordered to submit  
17 to an examination and evaluation pursuant to this Section to  
18 submit to any additional supplemental testing deemed necessary  
19 to complete any examination or evaluation process, including,  
20 but not limited to, blood testing, urinalysis, psychological  
21 testing, or neuropsychological testing.

22 The Department may order the examining physician or any  
23 member of the multidisciplinary team to provide to the  
24 Department any and all records, including business records,  
25 that relate to the examination and evaluation, including any  
26 supplemental testing performed. The Department may order the

1 examining physician or any member of the multidisciplinary team  
2 to present testimony concerning this examination and  
3 evaluation of the certified shorthand reporter or applicant,  
4 including testimony concerning any supplemental testing or  
5 documents relating to the examination and evaluation. No  
6 information, report, record, or other documents in any way  
7 related to the examination and evaluation shall be excluded by  
8 reason of any common law or statutory privilege relating to  
9 communication between the licensee or applicant and the  
10 examining physician or any member of the multidisciplinary  
11 team. No authorization is necessary from the certified  
12 shorthand reporter or applicant ordered to undergo an  
13 evaluation and examination for the examining physician or any  
14 member of the multidisciplinary team to provide information,  
15 reports, records, or other documents or to provide any  
16 testimony regarding the examination and evaluation. The  
17 individual to be examined may have, at his or her own expense,  
18 another physician of his or her choice present during all  
19 aspects of the examination.

20 Failure of any individual to submit to mental or physical  
21 examination and evaluation, or both, when directed, shall  
22 result in an automatic suspension, without hearing, until such  
23 time as the individual submits to the examination. If the  
24 Department finds a certified shorthand reporter unable to  
25 practice because of the reasons set forth in this Section, the  
26 Department shall require the certified shorthand reporter to

1 submit to care, counseling, or treatment by physicians approved  
2 or designated by the Department, as a condition for continued,  
3 reinstated, or renewed certification.

4 When the Secretary immediately suspends a certificate  
5 under this Section, a hearing upon the person's certificate  
6 must be convened by the Department within 15 days after the  
7 suspension and completed without appreciable delay. The  
8 Department shall have the authority to review the certified  
9 shorthand reporter's record of treatment and counseling  
10 regarding the impairment, to the extent permitted by applicable  
11 federal statutes and regulations safeguarding the  
12 confidentiality of medical records.

13 Individuals certified under this Act, affected under this  
14 Section, shall be afforded an opportunity to demonstrate to the  
15 Department that they can resume practice in compliance with  
16 acceptable and prevailing standards under the provisions of  
17 their certification.

18 (e) (Blank) ~~The Department shall deny a license or renewal~~  
19 ~~authorized by this Act to a person who has defaulted on an~~  
20 ~~educational loan or scholarship provided or guaranteed by the~~  
21 ~~Illinois Student Assistance Commission or any governmental~~  
22 ~~agency of this State in accordance with item (5) of subsection~~  
23 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~  
24 ~~Illinois.~~

25 (f) The Department may refuse to issue or may suspend  
26 without hearing, as provided for in the Code of Civil

1 Procedure, the license of any person who fails to file a  
2 return, to pay the tax, penalty, or interest shown in a filed  
3 return, or to pay any final assessment of tax, penalty, or  
4 interest as required by any tax Act administered by the  
5 Illinois Department of Revenue, until such time as the  
6 requirements of any such tax Act are satisfied in accordance  
7 with subsection (g) of Section 2105-15 of the Civil  
8 Administrative Code of Illinois.

9 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

10 Section 145. The Collection Agency Act is amended by  
11 changing Section 9 as follows:

12 (225 ILCS 425/9) (from Ch. 111, par. 2012)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 9. (a) The Department may refuse to issue or renew, or  
15 may revoke, suspend, place on probation, reprimand or take  
16 other disciplinary action as the Department may deem proper,  
17 including fines not to exceed \$5,000 for a first violation and  
18 not to exceed \$10,000 for a second or subsequent violation, for  
19 any one or any combination of the following causes:

20 (1) Violations of this Act or of the rules promulgated  
21 hereunder.

22 (2) Conviction of the collection agency or the  
23 principals of the agency of any crime under the laws of any  
24 U.S. jurisdiction which is a felony, a misdemeanor an

1 essential element of which is dishonesty, or of any crime  
2 which directly relates to the practice of the profession.

3 (3) Making any misrepresentation for the purpose of  
4 obtaining a license or certificate.

5 (4) Habitual or excessive use or addiction to alcohol,  
6 narcotics, stimulants or any other chemical agent or drug  
7 which results in the inability to practice with reasonable  
8 judgment, skill, or safety by any of the principals of a  
9 collection agency.

10 (5) Discipline by another U.S. jurisdiction or foreign  
11 nation, if at least one of the grounds for the discipline  
12 is the same or substantially equivalent to those set forth  
13 in this Act.

14 (6) A finding by the Department that the licensee,  
15 after having his license placed on probationary status, has  
16 violated the terms of probation.

17 (7) Practicing or attempting to practice under a name  
18 other than the name as shown on his or her license or any  
19 other legally authorized name.

20 (8) A finding by the Federal Trade Commission that a  
21 licensee violated the Federal Fair Debt and Collection Act  
22 or its rules.

23 (9) Failure to file a return, or to pay the tax,  
24 penalty or interest shown in a filed return, or to pay any  
25 final assessment of tax, penalty or interest, as required  
26 by any tax Act administered by the Illinois Department of



1 Revenue until such time as the requirements of any such tax  
2 Act are satisfied.

3 (10) Using or threatening to use force or violence to  
4 cause physical harm to a debtor, his family or his  
5 property.

6 (11) Threatening to instigate an arrest or criminal  
7 prosecution where no basis for a criminal complaint  
8 lawfully exists.

9 (12) Threatening the seizure, attachment or sale of a  
10 debtor's property where such action can only be taken  
11 pursuant to court order without disclosing that prior court  
12 proceedings are required.

13 (13) Disclosing or threatening to disclose information  
14 adversely affecting a debtor's reputation for credit  
15 worthiness with knowledge the information is false.

16 (14) Initiating or threatening to initiate  
17 communication with a debtor's employer unless there has  
18 been a default of the payment of the obligation for at  
19 least 30 days and at least 5 days prior written notice, to  
20 the last known address of the debtor, of the intention to  
21 communicate with the employer has been given to the  
22 employee, except as expressly permitted by law or court  
23 order.

24 (15) Communicating with the debtor or any member of the  
25 debtor's family at such a time of day or night and with  
26 such frequency as to constitute harassment of the debtor or

1 any member of the debtor's family. For purposes of this  
2 Section the following conduct shall constitute harassment:

3 (A) Communicating with the debtor or any member of  
4 his or her family in connection with the collection of  
5 any debt without the prior consent of the debtor given  
6 directly to the debt collector, or the express  
7 permission of a court of competent jurisdiction, at any  
8 unusual time or place or a time or place known or which  
9 should be known to be inconvenient to the debtor. In  
10 the absence of knowledge of circumstances to the  
11 contrary, a debt collector shall assume that the  
12 convenient time for communicating with a consumer is  
13 after 8 o'clock a.m. and before 9 o'clock p.m. local  
14 time at the debtor's location.

15 (B) The threat of publication or publication of a  
16 list of consumers who allegedly refuse to pay debts,  
17 except to a consumer reporting agency.

18 (C) The threat of advertisement or advertisement  
19 for sale of any debt to coerce payment of the debt.

20 (D) Causing a telephone to ring or engaging any  
21 person in telephone conversation repeatedly or  
22 continuously with intent to annoy, abuse, or harass any  
23 person at the called number.

24 (16) Using profane, obscene or abusive language in  
25 communicating with a debtor, his or her family or others.

26 (17) Disclosing or threatening to disclose information

1 relating to a debtor's indebtedness to any other person  
2 except where such other person has a legitimate business  
3 need for the information or except where such disclosure is  
4 regulated by law.

5 (18) Disclosing or threatening to disclose information  
6 concerning the existence of a debt which the debt collector  
7 knows to be reasonably disputed by the debtor without  
8 disclosing the fact that the debtor disputes the debt.

9 (19) Engaging in any conduct which the Director finds  
10 was intended to cause and did cause mental or physical  
11 illness to the debtor or his or her family.

12 (20) Attempting or threatening to enforce a right or  
13 remedy with knowledge or reason to know that the right or  
14 remedy does not exist.

15 (21) Failing to disclose to the debtor or his or her  
16 family the corporate, partnership or proprietary name, or  
17 other trade or business name, under which the debt  
18 collector is engaging in debt collections and which he or  
19 she is legally authorized to use.

20 (22) Using any form of communication which simulates  
21 legal or judicial process or which gives the appearance of  
22 being authorized, issued or approved by a governmental  
23 agency or official or by an attorney at law when it is not.

24 (23) Using any badge, uniform, or other indicia of any  
25 governmental agency or official except as authorized by  
26 law.

1           (24) Conducting business under any name or in any  
2 manner which suggests or implies that a debt collector is  
3 bonded if such collector is or is a branch of or is  
4 affiliated with any governmental agency or court if such  
5 collector is not.

6           (25) Failing to disclose, at the time of making any  
7 demand for payment, the name of the person to whom the  
8 claim is owed and at the request of the debtor, the address  
9 where payment is to be made and the address of the person  
10 to whom the claim is owed.

11           (26) Misrepresenting the amount of the claim or debt  
12 alleged to be owed.

13           (27) Representing that an existing debt may be  
14 increased by the addition of attorney's fees,  
15 investigation fees or any other fees or charges when such  
16 fees or charges may not legally be added to the existing  
17 debt.

18           (28) Representing that the debt collector is an  
19 attorney at law or an agent for an attorney if he is not.

20           (29) Collecting or attempting to collect any interest  
21 or other charge or fee in excess of the actual debt or  
22 claim unless such interest or other charge or fee is  
23 expressly authorized by the agreement creating the debt or  
24 claim unless expressly authorized by law or unless in a  
25 commercial transaction such interest or other charge or fee  
26 is expressly authorized in a subsequent agreement. If a

1           contingency or hourly fee arrangement (i) is established  
2           under an agreement between a collection agency and a  
3           creditor to collect a debt and (ii) is paid by a debtor  
4           pursuant to a contract between the debtor and the creditor,  
5           then that fee arrangement does not violate this Section  
6           unless the fee is unreasonable. The Department shall  
7           determine what constitutes a reasonable collection fee.

8           (30) Communicating or threatening to communicate with  
9           a debtor when the debt collector is informed in writing by  
10          an attorney that the attorney represents the debtor  
11          concerning the claim, unless authorized by the attorney. If  
12          the attorney fails to respond within a reasonable period of  
13          time, the collector may communicate with the debtor. The  
14          collector may communicate with the debtor when the attorney  
15          gives his consent.

16          (31) Engaging in dishonorable, unethical, or  
17          unprofessional conduct of a character likely to deceive,  
18          defraud, or harm the public.

19          (b) ~~The Department shall deny any license or renewal~~  
20          ~~authorized by this Act to any person who has defaulted on an~~  
21          ~~educational loan guaranteed by the Illinois State Scholarship~~  
22          ~~Commission; however, the Department may issue a license or~~  
23          ~~renewal if the person in default has established a satisfactory~~  
24          ~~repayment record as determined by the Illinois State~~  
25          ~~Scholarship Commission.~~ No debt collector while collecting or  
26          attempting to collect a debt shall engage in any of the Acts

1 specified in this Section, each of which shall be unlawful  
2 practice.

3 (Source: P.A. 94-414, eff. 12-31-05.)

4 Section 150. The Community Association Manager Licensing  
5 and Disciplinary Act is amended by changing Section 85 as  
6 follows:

7 (225 ILCS 427/85)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 85. Grounds for discipline; refusal, revocation, or  
10 suspension.

11 (a) The Department may refuse to issue or renew a license,  
12 or may place on probation, reprimand, suspend, or revoke any  
13 license, or take any other disciplinary or non-disciplinary  
14 action as the Department may deem proper and impose a fine not  
15 to exceed \$10,000 for each violation upon any licensee or  
16 applicant under this Act or any person or entity who holds  
17 himself, herself, or itself out as an applicant or licensee for  
18 any one or combination of the following causes:

19 (1) Material misstatement in furnishing information to  
20 the Department.

21 (2) Violations of this Act or its rules.

22 (3) Conviction of or entry of a plea of guilty or plea  
23 of nolo contendere to a felony or a misdemeanor under the  
24 laws of the United States, any state, or any other

1 jurisdiction or entry of an administrative sanction by a  
2 government agency in this State or any other jurisdiction.  
3 Action taken under this paragraph (3) for a misdemeanor or  
4 an administrative sanction is limited to a misdemeanor or  
5 administrative sanction that has as an essential element  
6 dishonesty or fraud, that involves larceny, embezzlement,  
7 or obtaining money, property, or credit by false pretenses  
8 or by means of a confidence game, or that is directly  
9 related to the practice of the profession.

10 (4) Making any misrepresentation for the purpose of  
11 obtaining a license or violating any provision of this Act  
12 or its rules.

13 (5) Professional incompetence.

14 (6) Gross negligence.

15 (7) Aiding or assisting another person in violating any  
16 provision of this Act or its rules.

17 (8) Failing, within 30 days, to provide information in  
18 response to a request made by the Department.

19 (9) Engaging in dishonorable, unethical, or  
20 unprofessional conduct of a character likely to deceive,  
21 defraud or harm the public as defined by the rules of the  
22 Department, or violating the rules of professional conduct  
23 adopted by the Department.

24 (10) Habitual or excessive use or addiction to alcohol,  
25 narcotics, stimulants, or any other chemical agent or drug  
26 that results in the inability to practice with reasonable

1 judgment, skill, or safety.

2 (11) Having been disciplined by another state, the  
3 District of Columbia, a territory, a foreign nation, or a  
4 governmental agency authorized to impose discipline if at  
5 least one of the grounds for the discipline is the same or  
6 substantially equivalent of one of the grounds for which a  
7 licensee may be disciplined under this Act. A certified  
8 copy of the record of the action by the other state or  
9 jurisdiction shall be prima facie evidence thereof.

10 (12) Directly or indirectly giving to or receiving from  
11 any person, firm, corporation, partnership or association  
12 any fee, commission, rebate, or other form of compensation  
13 for any professional services not actually or personally  
14 rendered.

15 (13) A finding by the Department that the licensee,  
16 after having his, her, or its license placed on  
17 probationary status, has violated the terms of probation.

18 (14) Willfully making or filing false records or  
19 reports relating to a licensee's practice, including but  
20 not limited to false records filed with any State or  
21 federal agencies or departments.

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



1 as defined in the Abused and Neglected Child Reporting Act.

2 (16) Physical illness or mental illness or impairment,  
3 including, but not limited to, deterioration through the  
4 aging process or loss of motor skill that results in the  
5 inability to practice the profession with reasonable  
6 judgment, skill, or safety.

7 (17) Solicitation of professional services by using  
8 false or misleading advertising.

9 (18) A finding that licensure has been applied for or  
10 obtained by fraudulent means.

11 (19) Practicing or attempting to practice under a name  
12 other than the full name as shown on the license or any  
13 other legally authorized name.

14 (20) Gross overcharging for professional services  
15 including, but not limited to, (i) collection of fees or  
16 moneys for services that are not rendered; and (ii)  
17 charging for services that are not in accordance with the  
18 contract between the licensee and the community  
19 association.

20 (21) Improper commingling of personal and client funds  
21 in violation of this Act or any rules promulgated thereto.

22 (22) Failing to account for or remit any moneys or  
23 documents coming into the licensee's possession that  
24 belong to another person or entity.

25 (23) Giving differential treatment to a person that is  
26 to that person's detriment because of race, color, creed,

1 sex, religion, or national origin.

2 (24) Performing and charging for services without  
3 reasonable authorization to do so from the person or entity  
4 for whom service is being provided.

5 (25) Failing to make available to the Department, upon  
6 request, any books, records, or forms required by this Act.

7 (26) Purporting to be a supervising community  
8 association manager of a firm without active participation  
9 in the firm.

10 (27) Failing to make available to the Department at the  
11 time of the request any indicia of licensure or  
12 registration issued under this Act.

13 (28) Failing to maintain and deposit funds belonging to  
14 a community association in accordance with subsection (b)  
15 of Section 55 of this Act.

16 (29) Violating the terms of a disciplinary order issued  
17 by the Department.

18 (b) (Blank) ~~In accordance with subdivision (a) (5) of~~  
19 ~~Section 2105-15 of the Department of Professional Regulation~~  
20 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~  
21 ~~2105/2105-15), the Department shall deny a license or renewal~~  
22 ~~authorized by this Act to a person who has defaulted on an~~  
23 ~~educational loan or scholarship provided or guaranteed by the~~  
24 ~~Illinois Student Assistance Commission or any governmental~~  
25 ~~agency of this State.~~

26 (c) The determination by a circuit court that a licensee is

1 subject to involuntary admission or judicial admission, as  
2 provided in the Mental Health and Developmental Disabilities  
3 Code, operates as an automatic suspension. The suspension will  
4 terminate only upon a finding by a court that the patient is no  
5 longer subject to involuntary admission or judicial admission  
6 and the issuance of an order so finding and discharging the  
7 patient, and upon the recommendation of the Board to the  
8 Secretary that the licensee be allowed to resume his or her  
9 practice as a licensed community association manager.

10 (d) In accordance with subsection (g) of Section 2105-15 of  
11 the Department of Professional Regulation Law of the Civil  
12 Administrative Code of Illinois (20 ILCS 2105/2105-15), the  
13 Department may refuse to issue or renew or may suspend the  
14 license of any person who fails to file a return, to pay the  
15 tax, penalty, or interest shown in a filed return, or to pay  
16 any final assessment of tax, penalty, or interest, as required  
17 by any tax Act administered by the Department of Revenue, until  
18 such time as the requirements of that tax Act are satisfied.

19 (e) In accordance with subdivision (a)(5) of Section  
20 2105-15 of the Department of Professional Regulation Law of the  
21 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)  
22 and in cases where the Department of Healthcare and Family  
23 Services (formerly Department of Public Aid) has previously  
24 determined that a licensee or a potential licensee is more than  
25 30 days delinquent in the payment of child support and has  
26 subsequently certified the delinquency to the Department may

1 refuse to issue or renew or may revoke or suspend that person's  
2 license or may take other disciplinary action against that  
3 person based solely upon the certification of delinquency made  
4 by the Department of Healthcare and Family Services.

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

26 If the Department or Board finds an individual unable to

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

17 In instances in which the Secretary immediately suspends a  
18 person's license under this Section, a hearing on that person's  
19 license must be convened by the Department within 30 days after  
20 the suspension and completed without appreciable delay. The  
21 Department and Board shall have the authority to review the  
22 subject individual's record of treatment and counseling  
23 regarding the impairment to the extent permitted by applicable  
24 federal statutes and regulations safeguarding the  
25 confidentiality of medical records.

26 An individual licensed under this Act and affected under

1 this Section shall be afforded an opportunity to demonstrate to  
2 the Department or Board that he or she can resume practice in  
3 compliance with acceptable and prevailing standards under the  
4 provisions of his or her license.

5 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;  
6 98-756, eff. 7-16-14.)

7 Section 155. The Detection of Deception Examiners Act is  
8 amended by changing Section 14 as follows:

9 (225 ILCS 430/14) (from Ch. 111, par. 2415)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 14. (a) The Department may refuse to issue or renew or  
12 may revoke, suspend, place on probation, reprimand, or take  
13 other disciplinary or non-disciplinary action as the  
14 Department may deem appropriate, including imposing fines not  
15 to exceed \$10,000 for each violation, with regard to any  
16 license for any one or a combination of the following:

17 (1) Material misstatement in furnishing information to  
18 the Department.

19 (2) Violations of this Act, or of the rules adopted  
20 under this Act.

21 (3) Conviction by plea of guilty or nolo contendere,  
22 finding of guilt, jury verdict, or entry of judgment or by  
23 sentencing of any crime, including, but not limited to,  
24 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under  
2 the laws of any jurisdiction of the United States: (i) that  
3 is a felony or (ii) that is a misdemeanor, an essential  
4 element of which is dishonesty, or that is directly related  
5 to the practice of the profession.

6 (4) Making any misrepresentation for the purpose of  
7 obtaining licensure or violating any provision of this Act  
8 or the rules adopted under this Act pertaining to  
9 advertising.

10 (5) Professional incompetence.

11 (6) Allowing one's license under this Act to be used by  
12 an unlicensed person in violation of this Act.

13 (7) Aiding or assisting another person in violating  
14 this Act or any rule adopted under this Act.

15 (8) Where the license holder has been adjudged mentally  
16 ill, mentally deficient or subject to involuntary  
17 admission as provided in the Mental Health and  
18 Developmental Disabilities Code.

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

21 (10) Engaging in dishonorable, unethical, or  
22 unprofessional conduct of a character likely to deceive,  
23 defraud, or harm the public.

24 (11) Inability to practice with reasonable judgment,  
25 skill, or safety as a result of habitual or excessive use  
26 or addiction to alcohol, narcotics, stimulants, or any

1 other chemical agent or drug.

2 (12) Discipline by another state, District of  
3 Columbia, territory, or foreign nation, if at least one of  
4 the grounds for the discipline is the same or substantially  
5 equivalent to those set forth in this Section.

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

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

12 (15) Inability to practice the profession with  
13 reasonable judgment, skill, or safety as a result of a  
14 physical illness, including, but not limited to,  
15 deterioration through the aging process or loss of motor  
16 skill, or a mental illness or disability.

17 (16) Charging for professional services not rendered,  
18 including filing false statements for the collection of  
19 fees for which services are not rendered.

20 (17) Practicing under a false or, except as provided by  
21 law, an assumed name.

22 (18) Fraud or misrepresentation in applying for, or  
23 procuring, a license under this Act or in connection with  
24 applying for renewal of a license under this Act.

25 (19) Cheating on or attempting to subvert the licensing  
26 examination administered under this Act.



1 All fines imposed under this Section shall be paid within  
2 60 days after the effective date of the order imposing the  
3 fine.

4 (b) The Department may refuse to issue or may suspend  
5 without hearing, as provided for in the Code of Civil  
6 Procedure, the license of any person who fails to file a  
7 return, or pay the tax, penalty, or interest shown in a filed  
8 return, or pay any final assessment of the tax, penalty, or  
9 interest as required by any tax Act administered by the  
10 Illinois Department of Revenue, until such time as the  
11 requirements of any such tax Act are satisfied in accordance  
12 with subsection (g) of Section 2105-15 of the Civil  
13 Administrative Code of Illinois.

14 (c) (Blank) ~~The Department shall deny a license or renewal~~  
15 ~~authorized by this Act to a person who has defaulted on an~~  
16 ~~educational loan or scholarship provided or guaranteed by the~~  
17 ~~Illinois Student Assistance Commission or any governmental~~  
18 ~~agency of this State in accordance with item (5) of subsection~~  
19 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~  
20 ~~Illinois.~~

21 (d) In cases where the Department of Healthcare and Family  
22 Services has previously determined a licensee or a potential  
23 licensee is more than 30 days delinquent in the payment of  
24 child support and has subsequently certified the delinquency to  
25 the Department, the Department may refuse to issue or renew or  
26 may revoke or suspend that person's license or may take other

1 disciplinary action against that person based solely upon the  
2 certification of delinquency made by the Department of  
3 Healthcare and Family Services in accordance with item (5) of  
4 subsection (a) of Section 2105-15 of the Civil Administrative  
5 Code of Illinois.

6 (e) The determination by a circuit court that a licensee is  
7 subject to involuntary admission or judicial admission, as  
8 provided in the Mental Health and Developmental Disabilities  
9 Code, operates as an automatic suspension. The suspension will  
10 end only upon a finding by a court that the patient is no  
11 longer subject to involuntary admission or judicial admission  
12 and the issuance of an order so finding and discharging the  
13 patient.

14 (f) In enforcing this Act, the Department, upon a showing  
15 of a possible violation, may compel an individual licensed to  
16 practice under this Act, or who has applied for licensure under  
17 this Act, to submit to a mental or physical examination, or  
18 both, as required by and at the expense of the Department. The  
19 Department may order the examining physician to present  
20 testimony concerning the mental or physical examination of the  
21 licensee or applicant. No information shall be excluded by  
22 reason of any common law or statutory privilege relating to  
23 communications between the licensee or applicant and the  
24 examining physician. The examining physicians shall be  
25 specifically designated by the Department. The individual to be  
26 examined may have, at his or her own expense, another physician

1 of his or her choice present during all aspects of this  
2 examination. The examination shall be performed by a physician  
3 licensed to practice medicine in all its branches. Failure of  
4 an individual to submit to a mental or physical examination,  
5 when directed, shall result in an automatic suspension without  
6 hearing.

7 A person holding a license under this Act or who has  
8 applied for a license under this Act who, because of a physical  
9 or mental illness or disability, including, but not limited to,  
10 deterioration through the aging process or loss of motor skill,  
11 is unable to practice the profession with reasonable judgment,  
12 skill, or safety, may be required by the Department to submit  
13 to care, counseling, or treatment by physicians approved or  
14 designated by the Department as a condition, term, or  
15 restriction for continued, reinstated, or renewed licensure to  
16 practice. Submission to care, counseling, or treatment as  
17 required by the Department shall not be considered discipline  
18 of a license. If the licensee refuses to enter into a care,  
19 counseling, or treatment agreement or fails to abide by the  
20 terms of the agreement, the Department may file a complaint to  
21 revoke, suspend, or otherwise discipline the license of the  
22 individual. The Secretary may order the license suspended  
23 immediately, pending a hearing by the Department. Fines shall  
24 not be assessed in disciplinary actions involving physical or  
25 mental illness or impairment.

26 In instances in which the Secretary immediately suspends a

1 person's license under this Section, a hearing on that person's  
2 license must be convened by the Department within 15 days after  
3 the suspension and completed without appreciable delay. The  
4 Department shall have the authority to review the subject  
5 individual's record of treatment and counseling regarding the  
6 impairment to the extent permitted by applicable federal  
7 statutes and regulations safeguarding the confidentiality of  
8 medical records.

9 An individual licensed under this Act and affected under  
10 this Section shall be afforded an opportunity to demonstrate to  
11 the Department that he or she can resume practice in compliance  
12 with acceptable and prevailing standards under the provisions  
13 of his or her license.

14 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;  
15 98-756, eff. 7-16-14.)

16 Section 160. The Home Inspector License Act is amended by  
17 changing Section 15-10 as follows:

18 (225 ILCS 441/15-10)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 15-10. Grounds for disciplinary action.

21 (a) The Department may refuse to issue or renew, or may  
22 revoke, suspend, place on probation, reprimand, or take other  
23 disciplinary or non-disciplinary action as the Department may  
24 deem appropriate, including imposing fines not to exceed

1 \$25,000 for each violation, with regard to any license for any  
2 one or combination of the following:

3 (1) Fraud or misrepresentation in applying for, or  
4 procuring a license under this Act or in connection with  
5 applying for renewal of a license under this Act.

6 (2) Failing to meet the minimum qualifications for  
7 licensure as a home inspector established by this Act.

8 (3) Paying money, other than for the fees provided for  
9 by this Act, or anything of value to an employee of the  
10 Department to procure licensure under this Act.

11 (4) Conviction by plea of guilty or nolo contendere,  
12 finding of guilt, jury verdict, or entry of judgment or by  
13 sentencing of any crime, including, but not limited to,  
14 convictions, preceding sentences of supervision,  
15 conditional discharge, or first offender probation, under  
16 the laws of any jurisdiction of the United States: (i) that  
17 is a felony; (ii) that is a misdemeanor, an essential  
18 element of which is dishonesty, or that is directly related  
19 to the practice of the profession; or (iii) that is a crime  
20 that subjects the licensee to compliance with the  
21 requirements of the Sex Offender Registration Act.

22 (5) Committing an act or omission involving  
23 dishonesty, fraud, or misrepresentation with the intent to  
24 substantially benefit the licensee or another person or  
25 with the intent to substantially injure another person.

26 (6) Violating a provision or standard for the

1 development or communication of home inspections as  
2 provided in Section 10-5 of this Act or as defined in the  
3 rules.

4 (7) Failing or refusing to exercise reasonable  
5 diligence in the development, reporting, or communication  
6 of a home inspection report, as defined by this Act or the  
7 rules.

8 (8) Violating a provision of this Act or the rules.

9 (9) Having been disciplined by another state, the  
10 District of Columbia, a territory, a foreign nation, a  
11 governmental agency, or any other entity authorized to  
12 impose discipline if at least one of the grounds for that  
13 discipline is the same as or substantially equivalent to  
14 one of the grounds for which a licensee may be disciplined  
15 under this Act.

16 (10) Engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public.

19 (11) Accepting an inspection assignment when the  
20 employment itself is contingent upon the home inspector  
21 reporting a predetermined analysis or opinion, or when the  
22 fee to be paid is contingent upon the analysis, opinion, or  
23 conclusion reached or upon the consequences resulting from  
24 the home inspection assignment.

25 (12) Developing home inspection opinions or  
26 conclusions based on the race, color, religion, sex,

1 national origin, ancestry, age, marital status, family  
2 status, physical or mental disability, or unfavorable  
3 military discharge, as defined under the Illinois Human  
4 Rights Act, of the prospective or present owners or  
5 occupants of the area or property under home inspection.

6 (13) Being adjudicated liable in a civil proceeding on  
7 grounds of fraud, misrepresentation, or deceit. In a  
8 disciplinary proceeding based upon a finding of civil  
9 liability, the home inspector shall be afforded an  
10 opportunity to present mitigating and extenuating  
11 circumstances, but may not collaterally attack the civil  
12 adjudication.

13 (14) Being adjudicated liable in a civil proceeding for  
14 violation of a State or federal fair housing law.

15 (15) Engaging in misleading or untruthful advertising  
16 or using a trade name or insignia of membership in a home  
17 inspection organization of which the licensee is not a  
18 member.

19 (16) Failing, within 30 days, to provide information in  
20 response to a written request made by the Department.

21 (17) Failing to include within the home inspection  
22 report the home inspector's license number and the date of  
23 expiration of the license. All home inspectors providing  
24 significant contribution to the development and reporting  
25 of a home inspection must be disclosed in the home  
26 inspection report. It is a violation of this Act for a home

1 inspector to sign a home inspection report knowing that a  
2 person providing a significant contribution to the report  
3 has not been disclosed in the home inspection report.

4 (18) Advising a client as to whether the client should  
5 or should not engage in a transaction regarding the  
6 residential real property that is the subject of the home  
7 inspection.

8 (19) Performing a home inspection in a manner that  
9 damages or alters the residential real property that is the  
10 subject of the home inspection without the consent of the  
11 owner.

12 (20) Performing a home inspection when the home  
13 inspector is providing or may also provide other services  
14 in connection with the residential real property or  
15 transaction, or has an interest in the residential real  
16 property, without providing prior written notice of the  
17 potential or actual conflict and obtaining the prior  
18 consent of the client as provided by rule.

19 (21) Aiding or assisting another person in violating  
20 any provision of this Act or rules adopted under this Act.

21 (22) Inability to practice with reasonable judgment,  
22 skill, or safety as a result of habitual or excessive use  
23 or addiction to alcohol, narcotics, stimulants, or any  
24 other chemical agent or drug.

25 (23) A finding by the Department that the licensee,  
26 after having his or her license placed on probationary



1 status, has violated the terms of probation.

2 (24) Willfully making or filing false records or  
3 reports in his or her practice, including, but not limited  
4 to, false records filed with State agencies or departments.

5 (25) Charging for professional services not rendered,  
6 including filing false statements for the collection of  
7 fees for which services are not rendered.

8 (26) Practicing under a false or, except as provided by  
9 law, an assumed name.

10 (27) Cheating on or attempting to subvert the licensing  
11 examination administered under this Act.

12 (b) The Department may suspend, revoke, or refuse to issue  
13 or renew an education provider's license, may reprimand, place  
14 on probation, or otherwise discipline an education provider  
15 licensee, and may suspend or revoke the course approval of any  
16 course offered by an education provider, for any of the  
17 following:

18 (1) Procuring or attempting to procure licensure by  
19 knowingly making a false statement, submitting false  
20 information, making any form of fraud or  
21 misrepresentation, or refusing to provide complete  
22 information in response to a question in an application for  
23 licensure.

24 (2) Failing to comply with the covenants certified to  
25 on the application for licensure as an education provider.

26 (3) Committing an act or omission involving

1           dishonesty, fraud, or misrepresentation or allowing any  
2           such act or omission by any employee or contractor under  
3           the control of the education provider.

4           (4) Engaging in misleading or untruthful advertising.

5           (5) Failing to retain competent instructors in  
6           accordance with rules adopted under this Act.

7           (6) Failing to meet the topic or time requirements for  
8           course approval as the provider of a pre-license curriculum  
9           course or a continuing education course.

10          (7) Failing to administer an approved course using the  
11          course materials, syllabus, and examinations submitted as  
12          the basis of the course approval.

13          (8) Failing to provide an appropriate classroom  
14          environment for presentation of courses, with  
15          consideration for student comfort, acoustics, lighting,  
16          seating, workspace, and visual aid material.

17          (9) Failing to maintain student records in compliance  
18          with the rules adopted under this Act.

19          (10) Failing to provide a certificate, transcript, or  
20          other student record to the Department or to a student as  
21          may be required by rule.

22          (11) Failing to fully cooperate with a Department  
23          investigation by knowingly making a false statement,  
24          submitting false or misleading information, or refusing to  
25          provide complete information in response to written  
26          interrogatories or a written request for documentation

1           within 30 days of the request.

2           (c) In appropriate cases, the Department may resolve a  
3 complaint against a licensee through the issuance of a Consent  
4 to Administrative Supervision order. A licensee subject to a  
5 Consent to Administrative Supervision order shall be  
6 considered by the Department as an active licensee in good  
7 standing. This order shall not be reported as or considered by  
8 the Department to be a discipline of the licensee. The records  
9 regarding an investigation and a Consent to Administrative  
10 Supervision order shall be considered confidential and shall  
11 not be released by the Department except as mandated by law.  
12 The complainant shall be notified that his or her complaint has  
13 been resolved by a Consent to Administrative Supervision order.

14           (d) The Department may refuse to issue or may suspend  
15 without hearing, as provided for in the Code of Civil  
16 Procedure, the license of any person who fails to file a tax  
17 return, to pay the tax, penalty, or interest shown in a filed  
18 tax return, or to pay any final assessment of tax, penalty, or  
19 interest, as required by any tax Act administered by the  
20 Illinois Department of Revenue, until such time as the  
21 requirements of the tax Act are satisfied in accordance with  
22 subsection (g) of Section 2105-15 of the Civil Administrative  
23 Code of Illinois.

24           (e) (Blank) ~~The Department shall deny a license or renewal~~  
25 ~~authorized by this Act to a person who has defaulted on an~~  
26 ~~educational loan or scholarship provided or guaranteed by the~~

1 ~~Illinois Student Assistance Commission or any governmental~~  
2 ~~agency of this State in accordance with item (5) of subsection~~  
3 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~  
4 ~~Illinois.~~

5 (f) In cases where the Department of Healthcare and Family  
6 Services has previously determined that a licensee or a  
7 potential licensee is more than 30 days delinquent in the  
8 payment of child support and has subsequently certified the  
9 delinquency to the Department, the Department may refuse to  
10 issue or renew or may revoke or suspend that person's license  
11 or may take other disciplinary action against that person based  
12 solely upon the certification of delinquency made by the  
13 Department of Healthcare and Family Services in accordance with  
14 item (5) of subsection (a) of Section 2105-15 of the Civil  
15 Administrative Code of Illinois.

16 (g) The determination by a circuit court that a licensee is  
17 subject to involuntary admission or judicial admission, as  
18 provided in the Mental Health and Developmental Disabilities  
19 Code, operates as an automatic suspension. The suspension will  
20 end only upon a finding by a court that the patient is no  
21 longer subject to involuntary admission or judicial admission  
22 and the issuance of a court order so finding and discharging  
23 the patient.

24 (h) In enforcing this Act, the Department, upon a showing  
25 of a possible violation, may compel an individual licensed to  
26 practice under this Act, or who has applied for licensure under

1 this Act, to submit to a mental or physical examination, or  
2 both, as required by and at the expense of the Department. The  
3 Department may order the examining physician to present  
4 testimony concerning the mental or physical examination of the  
5 licensee or applicant. No information shall be excluded by  
6 reason of any common law or statutory privilege relating to  
7 communications between the licensee or applicant and the  
8 examining physician. The examining physician shall be  
9 specifically designated by the Department. The individual to be  
10 examined may have, at his or her own expense, another physician  
11 of his or her choice present during all aspects of this  
12 examination. The examination shall be performed by a physician  
13 licensed to practice medicine in all its branches. Failure of  
14 an individual to submit to a mental or physical examination,  
15 when directed, shall result in an automatic suspension without  
16 hearing.

17 A person holding a license under this Act or who has  
18 applied for a license under this Act, who, because of a  
19 physical or mental illness or disability, including, but not  
20 limited to, deterioration through the aging process or loss of  
21 motor skill, is unable to practice the profession with  
22 reasonable judgment, skill, or safety, may be required by the  
23 Department to submit to care, counseling, or treatment by  
24 physicians approved or designated by the Department as a  
25 condition, term, or restriction for continued, reinstated, or  
26 renewed licensure to practice. Submission to care, counseling,

1 or treatment as required by the Department shall not be  
2 considered discipline of a license. If the licensee refuses to  
3 enter into a care, counseling, or treatment agreement or fails  
4 to abide by the terms of the agreement, the Department may file  
5 a complaint to revoke, suspend, or otherwise discipline the  
6 license of the individual. The Secretary may order the license  
7 suspended immediately, pending a hearing by the Department.  
8 Fines shall not be assessed in disciplinary actions involving  
9 physical or mental illness or impairment.

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

19 An individual licensed under this Act and affected under  
20 this Section shall be afforded an opportunity to demonstrate to  
21 the Department that he or she can resume practice in compliance  
22 with acceptable and prevailing standards under the provisions  
23 of his or her license.

24 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;  
25 98-756, eff. 7-16-14.)

1 (225 ILCS 447/40-35 rep.)

2 Section 165. The Private Detective, Private Alarm, Private  
3 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
4 amended by repealing Section 40-35.

5 Section 170. The Illinois Public Accounting Act is amended  
6 by changing Section 20.01 as follows:

7 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 20.01. Grounds for discipline; license or  
10 registration.

11 (a) The Department may refuse to issue or renew, or may  
12 revoke, suspend, or reprimand any registration or registrant,  
13 any license or licensee, place a licensee or registrant on  
14 probation for a period of time subject to any conditions the  
15 Department may specify including requiring the licensee or  
16 registrant to attend continuing education courses or to work  
17 under the supervision of another licensee or registrant, impose  
18 a fine not to exceed \$10,000 for each violation, restrict the  
19 authorized scope of practice, require a licensee or registrant  
20 to undergo a peer review program, assess costs as provided for  
21 under Section 20.4, or take other disciplinary or  
22 non-disciplinary action for any one or more of the following:

23 (1) Violation of any provision of this Act or rule  
24 adopted by the Department under this Act or violation of

1 professional standards.

2 (2) Dishonesty, fraud, or deceit in obtaining,  
3 reinstating, or restoring a license or registration.

4 (3) Cancellation, revocation, suspension, denial of  
5 licensure or registration, or refusal to renew a license or  
6 privileges under Section 5.2 for disciplinary reasons in  
7 any other U.S. jurisdiction, unit of government, or  
8 government agency for any cause.

9 (4) Failure, on the part of a licensee under Section 13  
10 or registrant under Section 16, to maintain compliance with  
11 the requirements for issuance or renewal of a license or  
12 registration or to report changes to the Department.

13 (5) Revocation or suspension of the right to practice  
14 by or before any state or federal regulatory authority or  
15 by the Public Company Accounting Oversight Board.

16 (6) Dishonesty, fraud, deceit, or gross negligence in  
17 the performance of services as a licensee or registrant or  
18 individual granted privileges under Section 5.2.

19 (7) Conviction by plea of guilty or nolo contendere,  
20 finding of guilt, jury verdict, or entry of judgment or  
21 sentencing, including, but not limited to, convictions,  
22 preceding sentences of supervision, conditional discharge,  
23 or first offender probation, under the laws of any  
24 jurisdiction of the United States that is (i) a felony or  
25 (ii) a misdemeanor, an essential element of which is  
26 dishonesty, or that is directly related to the practice of



1 public accounting.

2 (8) Performance of any fraudulent act while holding a  
3 license or privilege issued under this Act or prior law.

4 (9) Practicing on a revoked, suspended, or inactive  
5 license or registration.

6 (10) Making or filing a report or record that the  
7 registrant or licensee knows to be false, willfully failing  
8 to file a report or record required by State or federal  
9 law, willfully impeding or obstructing the filing or  
10 inducing another person to impede or obstruct only those  
11 that are signed in the capacity of a licensed CPA or a  
12 registered CPA.

13 (11) Aiding or assisting another person in violating  
14 any provision of this Act or rules promulgated hereunder.

15 (12) Engaging in dishonorable, unethical, or  
16 unprofessional conduct of a character likely to deceive,  
17 defraud, or harm the public.

18 (13) Habitual or excessive use or abuse of drugs,  
19 alcohol, narcotics, stimulants, or any other substance  
20 that results in the inability to practice with reasonable  
21 skill, judgment, or safety.

22 (14) Directly or indirectly giving to or receiving from  
23 any person, firm, corporation, partnership, or association  
24 any fee, commission, rebate, or other form of compensation  
25 for any professional service not actually rendered.

26 (15) Physical illness, including, but not limited to,

1 deterioration through the aging process or loss of motor  
2 skill that results in the licensee or registrant's  
3 inability to practice under this Act with reasonable  
4 judgment, skill, or safety.

5 (16) Solicitation of professional services by using  
6 false or misleading advertising.

7 (17) Any conduct reflecting adversely upon the  
8 licensee's fitness to perform services while a licensee or  
9 individual granted privileges under Section 5.2.

10 (18) Practicing or attempting to practice under a name  
11 other than the full name as shown on the license or  
12 registration or any other legally authorized name.

13 (19) A finding by the Department that a licensee or  
14 registrant has not complied with a provision of any lawful  
15 order issued by the Department.

16 (20) Making a false statement to the Department  
17 regarding compliance with continuing professional  
18 education or peer review requirements.

19 (21) Failing to make a substantive response to a  
20 request for information by the Department within 30 days of  
21 the request.

22 (b) (Blank).

23 (b-5) All fines or costs imposed under this Section shall  
24 be paid within 60 days after the effective date of the order  
25 imposing the fine or costs or in accordance with the terms set  
26 forth in the order imposing the fine or cost.

1           (c) In cases where the Department of Healthcare and Family  
2 Services has previously determined a licensee or a potential  
3 licensee is more than 30 days delinquent in the payment of  
4 child support and has subsequently certified the delinquency to  
5 the Department, the Department may refuse to issue or renew or  
6 may revoke or suspend that person's license or may take other  
7 disciplinary or non-disciplinary action against that person  
8 based solely upon the certification of delinquency made by the  
9 Department of Healthcare and Family Services in accordance with  
10 item (5) of subsection (a) of Section 2105-15 of the Department  
11 of Professional Regulation Law of the Civil Administrative Code  
12 of Illinois.

13           (d) The Department may refuse to issue or may suspend  
14 without hearing, as provided for in the Code of Civil  
15 Procedure, the license or registration of any person who fails  
16 to file a return, to pay a tax, penalty, or interest shown in a  
17 filed return, or to pay any final assessment of tax, penalty,  
18 or interest, as required by any tax Act administered by the  
19 Illinois Department of Revenue, until such time as the  
20 requirements of any such tax Act are satisfied in accordance  
21 with subsection (g) of Section 2105-15 of the Department of  
22 Professional Regulation Law of the Civil Administrative Code of  
23 Illinois.

24           (e) (Blank) ~~The Department shall deny any application for a~~  
25 ~~license, registration, or renewal, without hearing, to any~~  
26 ~~person who has defaulted on an educational loan guaranteed by~~

1 ~~the Illinois Student Assistance Commission; however, the~~  
2 ~~Department may issue a license, registration, or renewal if the~~  
3 ~~person in default has established a satisfactory repayment~~  
4 ~~record as determined by the Illinois Student Assistance~~  
5 ~~Commission.~~

6 (f) The determination by a court that a licensee or  
7 registrant is subject to involuntary admission or judicial  
8 admission as provided in the Mental Health and Developmental  
9 Disabilities Code will result in the automatic suspension of  
10 his or her license or registration. The licensee or registrant  
11 shall be responsible for notifying the Department of the  
12 determination by the court that the licensee or registrant is  
13 subject to involuntary admission or judicial admission as  
14 provided in the Mental Health and Developmental Disabilities  
15 Code. The suspension shall end only upon a finding by a court  
16 that the patient is no longer subject to involuntary admission  
17 or judicial admission, the issuance of an order so finding and  
18 discharging the patient, and the filing of a petition for  
19 restoration demonstrating fitness to practice.

20 (g) In enforcing this Section, the Department, upon a  
21 showing of a possible violation, may compel, any licensee or  
22 registrant or any individual who has applied for licensure  
23 under this Act, to submit to a mental or physical examination  
24 and evaluation, or both, which may include a substance abuse or  
25 sexual offender evaluation, at the expense of the Department.  
26 The Department shall specifically designate the examining

1 physician licensed to practice medicine in all of its branches  
2 or, if applicable, the multidisciplinary team involved in  
3 providing the mental or physical examination and evaluation, or  
4 both. The multidisciplinary team shall be led by a physician  
5 licensed to practice medicine in all of its branches and may  
6 consist of one or more or a combination of physicians licensed  
7 to practice medicine in all of its branches, licensed  
8 chiropractic physicians, licensed clinical psychologists,  
9 licensed clinical social workers, licensed clinical  
10 professional counselors, and other professional and  
11 administrative staff. Any examining physician or member of the  
12 multidisciplinary team may require any person ordered to submit  
13 to an examination and evaluation under this Section to submit  
14 to any additional supplemental testing deemed necessary to  
15 complete any examination or evaluation process, including, but  
16 not limited to, blood testing, urinalysis, psychological  
17 testing, or neuropsychological testing. The Department may  
18 order the examining physician or any member of the  
19 multidisciplinary team to provide to the Department any and all  
20 records, including business records, that relate to the  
21 examination and evaluation, including any supplemental testing  
22 performed. The Department may order the examining physician or  
23 any member of the multidisciplinary team to present testimony  
24 concerning this examination and evaluation of the licensee,  
25 registrant, or applicant, including testimony concerning any  
26 supplemental testing or documents relating to the examination

1 and evaluation. No information, report, record, or other  
2 documents in any way related to the examination and evaluation  
3 shall be excluded by reason of any common law or statutory  
4 privilege relating to communication between the licensee,  
5 registrant, or applicant and the examining physician or any  
6 member of the multidisciplinary team. No authorization is  
7 necessary from the individual ordered to undergo an evaluation  
8 and examination for the examining physician or any member of  
9 the multidisciplinary team to provide information, reports,  
10 records, or other documents or to provide any testimony  
11 regarding the examination and evaluation.

12 The individual to be examined may have, at his or her own  
13 expense, another physician of his or her choice present during  
14 all aspects of the examination. Failure of any individual to  
15 submit to mental or physical examination and evaluation, or  
16 both, when directed, shall result in an automatic suspension,  
17 without hearing, until such time as the individual submits to  
18 the examination. If the Department finds a licensee,  
19 registrant, or applicant unable to practice because of the  
20 reasons set forth in this Section, the Department shall require  
21 such licensee, registrant, or applicant to submit to care,  
22 counseling, or treatment by physicians approved or designated  
23 by the Department, as a condition for continued, reinstated, or  
24 renewed licensure to practice.

25 When the Secretary immediately suspends a license or  
26 registration under this Section, a hearing upon such person's

1 license or registration must be convened by the Department  
2 within 15 days after such suspension and completed without  
3 appreciable delay. The Department shall have the authority to  
4 review the subject's record of treatment and counseling  
5 regarding the impairment, to the extent permitted by applicable  
6 federal statutes and regulations safeguarding the  
7 confidentiality of medical records.

8 Individuals licensed or registered under this Act,  
9 affected under this Section, shall be afforded an opportunity  
10 to demonstrate to the Department that they can resume practice  
11 in compliance with acceptable and prevailing standards under  
12 the provisions of their license or registration.

13 (Source: P.A. 98-254, eff. 8-9-13.)

14 Section 175. The Real Estate License Act of 2000 is amended  
15 by changing Section 20-20 as follows:

16 (225 ILCS 454/20-20)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 20-20. Grounds for discipline.

19 (a) The Department may refuse to issue or renew a license,  
20 may place on probation, suspend, or revoke any license,  
21 reprimand, or take any other disciplinary or non-disciplinary  
22 action as the Department may deem proper and impose a fine not  
23 to exceed \$25,000 upon any licensee or applicant under this Act  
24 or any person who holds himself or herself out as an applicant

1 or licensee or against a licensee in handling his or her own  
2 property, whether held by deed, option, or otherwise, for any  
3 one or any combination of the following causes:

4 (1) Fraud or misrepresentation in applying for, or  
5 procuring, a license under this Act or in connection with  
6 applying for renewal of a license under this Act.

7 (2) The conviction of or plea of guilty or plea of nolo  
8 contendere to a felony or misdemeanor in this State or any  
9 other jurisdiction; or the entry of an administrative  
10 sanction by a government agency in this State or any other  
11 jurisdiction. Action taken under this paragraph (2) for a  
12 misdemeanor or an administrative sanction is limited to a  
13 misdemeanor or administrative sanction that has as an  
14 essential element dishonesty or fraud or involves larceny,  
15 embezzlement, or obtaining money, property, or credit by  
16 false pretenses or by means of a confidence game.

17 (3) Inability to practice the profession with  
18 reasonable judgment, skill, or safety as a result of a  
19 physical illness, including, but not limited to,  
20 deterioration through the aging process or loss of motor  
21 skill, or a mental illness or disability.

22 (4) Practice under this Act as a licensee in a retail  
23 sales establishment from an office, desk, or space that is  
24 not separated from the main retail business by a separate  
25 and distinct area within the establishment.

26 (5) Having been disciplined by another state, the



1 District of Columbia, a territory, a foreign nation, or a  
2 governmental agency authorized to impose discipline if at  
3 least one of the grounds for that discipline is the same as  
4 or the equivalent of one of the grounds for which a  
5 licensee may be disciplined under this Act. A certified  
6 copy of the record of the action by the other state or  
7 jurisdiction shall be prima facie evidence thereof.

8 (6) Engaging in the practice of real estate brokerage  
9 without a license or after the licensee's license was  
10 expired or while the license was inoperative.

11 (7) Cheating on or attempting to subvert the Real  
12 Estate License Exam or continuing education exam.

13 (8) Aiding or abetting an applicant to subvert or cheat  
14 on the Real Estate License Exam or continuing education  
15 exam administered pursuant to this Act.

16 (9) Advertising that is inaccurate, misleading, or  
17 contrary to the provisions of the Act.

18 (10) Making any substantial misrepresentation or  
19 untruthful advertising.

20 (11) Making any false promises of a character likely to  
21 influence, persuade, or induce.

22 (12) Pursuing a continued and flagrant course of  
23 misrepresentation or the making of false promises through  
24 licensees, employees, agents, advertising, or otherwise.

25 (13) Any misleading or untruthful advertising, or  
26 using any trade name or insignia of membership in any real

1 estate organization of which the licensee is not a member.

2 (14) Acting for more than one party in a transaction  
3 without providing written notice to all parties for whom  
4 the licensee acts.

5 (15) Representing or attempting to represent a broker  
6 other than the sponsoring broker.

7 (16) Failure to account for or to remit any moneys or  
8 documents coming into his or her possession that belong to  
9 others.

10 (17) Failure to maintain and deposit in a special  
11 account, separate and apart from personal and other  
12 business accounts, all escrow moneys belonging to others  
13 entrusted to a licensee while acting as a real estate  
14 broker, escrow agent, or temporary custodian of the funds  
15 of others or failure to maintain all escrow moneys on  
16 deposit in the account until the transactions are  
17 consummated or terminated, except to the extent that the  
18 moneys, or any part thereof, shall be:

19 (A) disbursed prior to the consummation or  
20 termination (i) in accordance with the written  
21 direction of the principals to the transaction or their  
22 duly authorized agents, (ii) in accordance with  
23 directions providing for the release, payment, or  
24 distribution of escrow moneys contained in any written  
25 contract signed by the principals to the transaction or  
26 their duly authorized agents, or (iii) pursuant to an

1 order of a court of competent jurisdiction; or

2 (B) deemed abandoned and transferred to the Office  
3 of the State Treasurer to be handled as unclaimed  
4 property pursuant to the Uniform Disposition of  
5 Unclaimed Property Act. Escrow moneys may be deemed  
6 abandoned under this subparagraph (B) only: (i) in the  
7 absence of disbursement under subparagraph (A); (ii)  
8 in the absence of notice of the filing of any claim in  
9 a court of competent jurisdiction; and (iii) if 6  
10 months have elapsed after the receipt of a written  
11 demand for the escrow moneys from one of the principals  
12 to the transaction or the principal's duly authorized  
13 agent.

14 The account shall be noninterest bearing, unless the  
15 character of the deposit is such that payment of interest  
16 thereon is otherwise required by law or unless the  
17 principals to the transaction specifically require, in  
18 writing, that the deposit be placed in an interest bearing  
19 account.

20 (18) Failure to make available to the Department all  
21 escrow records and related documents maintained in  
22 connection with the practice of real estate within 24 hours  
23 of a request for those documents by Department personnel.

24 (19) Failing to furnish copies upon request of  
25 documents relating to a real estate transaction to a party  
26 who has executed that document.

1           (20) Failure of a sponsoring broker to timely provide  
2 information, sponsor cards, or termination of licenses to  
3 the Department.

4           (21) Engaging in dishonorable, unethical, or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud, or harm the public.

7           (22) Commingling the money or property of others with  
8 his or her own money or property.

9           (23) Employing any person on a purely temporary or  
10 single deal basis as a means of evading the law regarding  
11 payment of commission to nonlicensees on some contemplated  
12 transactions.

13           (24) Permitting the use of his or her license as a  
14 broker to enable a salesperson or unlicensed person to  
15 operate a real estate business without actual  
16 participation therein and control thereof by the broker.

17           (25) Any other conduct, whether of the same or a  
18 different character from that specified in this Section,  
19 that constitutes dishonest dealing.

20           (26) Displaying a "for rent" or "for sale" sign on any  
21 property without the written consent of an owner or his or  
22 her duly authorized agent or advertising by any means that  
23 any property is for sale or for rent without the written  
24 consent of the owner or his or her authorized agent.

25           (27) Failing to provide information requested by the  
26 Department, or otherwise respond to that request, within 30

1 days of the request.

2 (28) Advertising by means of a blind advertisement,  
3 except as otherwise permitted in Section 10-30 of this Act.

4 (29) Offering guaranteed sales plans, as defined in  
5 clause (A) of this subdivision (29), except to the extent  
6 hereinafter set forth:

7 (A) A "guaranteed sales plan" is any real estate  
8 purchase or sales plan whereby a licensee enters into a  
9 conditional or unconditional written contract with a  
10 seller, prior to entering into a brokerage agreement  
11 with the seller, by the terms of which a licensee  
12 agrees to purchase a property of the seller within a  
13 specified period of time at a specific price in the  
14 event the property is not sold in accordance with the  
15 terms of a brokerage agreement to be entered into  
16 between the sponsoring broker and the seller.

17 (B) A licensee offering a guaranteed sales plan  
18 shall provide the details and conditions of the plan in  
19 writing to the party to whom the plan is offered.

20 (C) A licensee offering a guaranteed sales plan  
21 shall provide to the party to whom the plan is offered  
22 evidence of sufficient financial resources to satisfy  
23 the commitment to purchase undertaken by the broker in  
24 the plan.

25 (D) Any licensee offering a guaranteed sales plan  
26 shall undertake to market the property of the seller

1 subject to the plan in the same manner in which the  
2 broker would market any other property, unless the  
3 agreement with the seller provides otherwise.

4 (E) The licensee cannot purchase seller's property  
5 until the brokerage agreement has ended according to  
6 its terms or is otherwise terminated.

7 (F) Any licensee who fails to perform on a  
8 guaranteed sales plan in strict accordance with its  
9 terms shall be subject to all the penalties provided in  
10 this Act for violations thereof and, in addition, shall  
11 be subject to a civil fine payable to the party injured  
12 by the default in an amount of up to \$25,000.

13 (30) Influencing or attempting to influence, by any  
14 words or acts, a prospective seller, purchaser, occupant,  
15 landlord, or tenant of real estate, in connection with  
16 viewing, buying, or leasing real estate, so as to promote  
17 or tend to promote the continuance or maintenance of  
18 racially and religiously segregated housing or so as to  
19 retard, obstruct, or discourage racially integrated  
20 housing on or in any street, block, neighborhood, or  
21 community.

22 (31) Engaging in any act that constitutes a violation  
23 of any provision of Article 3 of the Illinois Human Rights  
24 Act, whether or not a complaint has been filed with or  
25 adjudicated by the Human Rights Commission.

26 (32) Inducing any party to a contract of sale or lease

1 or brokerage agreement to break the contract of sale or  
2 lease or brokerage agreement for the purpose of  
3 substituting, in lieu thereof, a new contract for sale or  
4 lease or brokerage agreement with a third party.

5 (33) Negotiating a sale, exchange, or lease of real  
6 estate directly with any person if the licensee knows that  
7 the person has an exclusive brokerage agreement with  
8 another broker, unless specifically authorized by that  
9 broker.

10 (34) When a licensee is also an attorney, acting as the  
11 attorney for either the buyer or the seller in the same  
12 transaction in which the licensee is acting or has acted as  
13 a broker or salesperson.

14 (35) Advertising or offering merchandise or services  
15 as free if any conditions or obligations necessary for  
16 receiving the merchandise or services are not disclosed in  
17 the same advertisement or offer. These conditions or  
18 obligations include without limitation the requirement  
19 that the recipient attend a promotional activity or visit a  
20 real estate site. As used in this subdivision (35), "free"  
21 includes terms such as "award", "prize", "no charge", "free  
22 of charge", "without charge", and similar words or phrases  
23 that reasonably lead a person to believe that he or she may  
24 receive or has been selected to receive something of value,  
25 without any conditions or obligations on the part of the  
26 recipient.

1           (36) Disregarding or violating any provision of the  
2 Land Sales Registration Act of 1989, the Illinois Real  
3 Estate Time-Share Act, or the published rules promulgated  
4 by the Department to enforce those Acts.

5           (37) Violating the terms of a disciplinary order issued  
6 by the Department.

7           (38) Paying or failing to disclose compensation in  
8 violation of Article 10 of this Act.

9           (39) Requiring a party to a transaction who is not a  
10 client of the licensee to allow the licensee to retain a  
11 portion of the escrow moneys for payment of the licensee's  
12 commission or expenses as a condition for release of the  
13 escrow moneys to that party.

14           (40) Disregarding or violating any provision of this  
15 Act or the published rules promulgated by the Department to  
16 enforce this Act or aiding or abetting any individual,  
17 partnership, registered limited liability partnership,  
18 limited liability company, or corporation in disregarding  
19 any provision of this Act or the published rules  
20 promulgated by the Department to enforce this Act.

21           (41) Failing to provide the minimum services required  
22 by Section 15-75 of this Act when acting under an exclusive  
23 brokerage agreement.

24           (42) Habitual or excessive use or addiction to alcohol,  
25 narcotics, stimulants, or any other chemical agent or drug  
26 that results in a managing broker, broker, salesperson, or



1 leasing agent's inability to practice with reasonable  
2 skill or safety.

3 (43) Enabling, aiding, or abetting an auctioneer, as  
4 defined in the Auction License Act, to conduct a real  
5 estate auction in a manner that is in violation of this  
6 Act.

7 (b) The Department may refuse to issue or renew or may  
8 suspend the license of any person who fails to file a return,  
9 pay the tax, penalty or interest shown in a filed return, or  
10 pay any final assessment of tax, penalty, or interest, as  
11 required by any tax Act administered by the Department of  
12 Revenue, until such time as the requirements of that tax Act  
13 are satisfied in accordance with subsection (g) of Section  
14 2105-15 of the Civil Administrative Code of Illinois.

15 (c) (Blank) ~~The Department shall deny a license or renewal~~  
16 ~~authorized by this Act to a person who has defaulted on an~~  
17 ~~educational loan or scholarship provided or guaranteed by the~~  
18 ~~Illinois Student Assistance Commission or any governmental~~  
19 ~~agency of this State in accordance with item (5) of subsection~~  
20 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~  
21 ~~Illinois.~~

22 (d) In cases where the Department of Healthcare and Family  
23 Services (formerly Department of Public Aid) has previously  
24 determined that a licensee or a potential licensee is more than  
25 30 days delinquent in the payment of child support and has  
26 subsequently certified the delinquency to the Department may

1 refuse to issue or renew or may revoke or suspend that person's  
2 license or may take other disciplinary action against that  
3 person based solely upon the certification of delinquency made  
4 by the Department of Healthcare and Family Services in  
5 accordance with item (5) of subsection (a) of Section 2105-15  
6 of the Civil Administrative Code of Illinois.

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

1           If the Department or Board finds an individual unable to  
2 practice because of the reasons set forth in this Section, the  
3 Department or Board may require that individual to submit to  
4 care, counseling, or treatment by physicians approved or  
5 designated by the Department or Board, as a condition, term, or  
6 restriction for continued, reinstated, or renewed licensure to  
7 practice; or, in lieu of care, counseling, or treatment, the  
8 Department may file, or the Board may recommend to the  
9 Department to file, a complaint to immediately suspend, revoke,  
10 or otherwise discipline the license of the individual. An  
11 individual whose license was granted, continued, reinstated,  
12 renewed, disciplined or supervised subject to such terms,  
13 conditions, or restrictions, and who fails to comply with such  
14 terms, conditions, or restrictions, shall be referred to the  
15 Secretary for a determination as to whether the individual  
16 shall have his or her license suspended immediately, pending a  
17 hearing by the Department.

18           In instances in which the Secretary immediately suspends a  
19 person's license under this Section, a hearing on that person's  
20 license must be convened by the Department within 30 days after  
21 the suspension and completed without appreciable delay. The  
22 Department and Board shall have the authority to review the  
23 subject individual's record of treatment and counseling  
24 regarding the impairment to the extent permitted by applicable  
25 federal statutes and regulations safeguarding the  
26 confidentiality of medical records.

1           An individual licensed under this Act and affected under  
2 this Section shall be afforded an opportunity to demonstrate to  
3 the Department or Board that he or she can resume practice in  
4 compliance with acceptable and prevailing standards under the  
5 provisions of his or her license.

6           (Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12;  
7 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

8           (225 ILCS 458/15-45 rep.)

9           Section 180. The Real Estate Appraiser Licensing Act of  
10 2002 is amended by repealing Section 15-45.

11           Section 185. The Radon Industry Licensing Act is amended by  
12 changing Section 45 as follows:

13           (420 ILCS 44/45)

14           Sec. 45. Grounds for disciplinary action. The Agency may  
15 refuse to issue or to renew, or may revoke, suspend, or take  
16 other disciplinary action as the Agency may deem proper,  
17 including fines not to exceed \$1,000 for each violation, with  
18 regard to any license for any one or combination of the  
19 following causes:

20           (a) Violation of this Act or its rules.

21           (b) Conviction of a crime under the laws of any United  
22 States jurisdiction that is a felony or of any crime that  
23 directly relates to the practice of detecting or reducing

1 the presence of radon or radon progeny.

2 (c) Making a misrepresentation for the purpose of  
3 obtaining a license.

4 (d) Professional incompetence or gross negligence in  
5 the practice of detecting or reducing the presence of radon  
6 or radon progeny.

7 (e) Gross malpractice, prima facie evidence of which  
8 may be a conviction or judgment of malpractice in a court  
9 of competent jurisdiction.

10 (f) Aiding or assisting another person in violating a  
11 provision of this Act or its rules.

12 (g) Failing, within 60 days, to provide information in  
13 response to a written request made by the Agency that has  
14 been sent by mail to the licensee's last known address.

15 (h) Engaging in dishonorable, unethical, or  
16 unprofessional conduct of a character likely to deceive,  
17 defraud, or harm the public.

18 (i) Habitual or excessive use or addiction to alcohol,  
19 narcotics, stimulants, or any other chemical agent or drug  
20 that results in the inability to practice with reasonable  
21 judgment, skill, or safety.

22 (j) Discipline by another United States jurisdiction  
23 or foreign nation, if at least one of the grounds for the  
24 discipline is the same or substantially equivalent to those  
25 set forth in this Section.

26 (k) Directly or indirectly giving to or receiving from

1 a person any fee, commission, rebate, or other form of  
2 compensation for a professional service not actually or  
3 personally rendered.

4 (l) A finding by the Agency that the licensee has  
5 violated the terms of a license.

6 (m) Conviction by a court of competent jurisdiction,  
7 either within or outside of this State, of a violation of a  
8 law governing the practice of detecting or reducing the  
9 presence of radon or radon progeny if the Agency determines  
10 after investigation that the person has not been  
11 sufficiently rehabilitated to warrant the public trust.

12 (n) A finding by the Agency that a license has been  
13 applied for or obtained by fraudulent means.

14 (o) Practicing or attempting to practice under a name  
15 other than the full name as shown on the license or any  
16 other authorized name.

17 (p) Gross and willful overcharging for professional  
18 services, including filing false statements for collection  
19 of fees or moneys for which services are not rendered.

20 (q) Failure to file a return or to pay the tax,  
21 penalty, or interest shown in a filed return, or to pay any  
22 final assessment of tax, penalty, or interest, as required  
23 by a tax Act administered by the Department of Revenue,  
24 until such time as the requirements of any such tax Act are  
25 satisfied.

26 (r) (Blank) ~~Failure to repay educational loans~~

1 ~~guaranteed by the Illinois Student Assistance Commission,~~  
2 ~~as provided in Section 80 of the Nuclear Safety Law of~~  
3 ~~2004. However, the Agency may issue an original or renewal~~  
4 ~~license if the person in default has established a~~  
5 ~~satisfactory repayment record as determined by the~~  
6 ~~Illinois Student Assistance Commission.~~

7 (s) Failure to meet child support orders, as provided  
8 in Section 10-65 of the Illinois Administrative Procedure  
9 Act.

10 (t) Failure to pay a fee or civil penalty properly  
11 assessed by the Agency.

12 (Source: P.A. 94-369, eff. 7-29-05.)

13 Section 190. The Attorney Act is amended by changing  
14 Section 1 as follows:

15 (705 ILCS 205/1) (from Ch. 13, par. 1)

16 Sec. 1. No person shall be permitted to practice as an  
17 attorney or counselor at law within this State without having  
18 previously obtained a license for that purpose from the Supreme  
19 Court of this State.

20 No person shall receive any compensation directly or  
21 indirectly for any legal services other than a regularly  
22 licensed attorney, nor may an unlicensed person advertise or  
23 hold himself or herself out to provide legal services.

24 A license, as provided for herein, constitutes the person

1 receiving the same an attorney and counselor at law, according  
2 to the law and customs thereof, for and during his good  
3 behavior in the practice and authorizes him to demand and  
4 receive fees for any services which he may render as an  
5 attorney and counselor at law in this State. ~~No person shall be  
6 granted a license or renewal authorized by this Act who has  
7 defaulted on an educational loan guaranteed by the Illinois  
8 Student Assistance Commission; however, a license or renewal  
9 may be issued to the aforementioned persons who have  
10 established a satisfactory repayment record as determined by  
11 the Illinois Student Assistance Commission.~~ No person shall be  
12 granted a license or renewal authorized by this Act who is more  
13 than 30 days delinquent in complying with a child support  
14 order; a license or renewal may be issued, however, if the  
15 person has established a satisfactory repayment record as  
16 determined (i) by the Department of Healthcare and Family  
17 Services (formerly Illinois Department of Public Aid) for cases  
18 being enforced under Article X of the Illinois Public Aid Code  
19 or (ii) in all other cases by order of court or by written  
20 agreement between the custodial parent and non-custodial  
21 parent. No person shall be refused a license under this Act on  
22 account of sex.

23 Any person practicing, charging or receiving fees for legal  
24 services or advertising or holding himself or herself out to  
25 provide legal services within this State, either directly or  
26 indirectly, without being licensed to practice as herein



1 required, is guilty of contempt of court and shall be punished  
2 accordingly, upon complaint being filed in any Circuit Court of  
3 this State. The remedies available include, but are not limited  
4 to: (i) appropriate equitable relief; (ii) a civil penalty not  
5 to exceed \$5,000, which shall be paid to the Illinois Equal  
6 Justice Foundation; and (iii) actual damages. Such proceedings  
7 shall be conducted in the Courts of the respective counties  
8 where the alleged contempt has been committed in the same  
9 manner as in cases of indirect contempt and with the right of  
10 review by the parties thereto.

11 The provisions of this Act shall be in addition to other  
12 remedies permitted by law and shall not be construed to deprive  
13 courts of this State of their inherent right to punish for  
14 contempt or to restrain the unauthorized practice of law.

15 Nothing in this Act shall be construed to conflict with,  
16 amend, or modify Section 5 of the Corporation Practice of Law  
17 Prohibition Act or prohibit representation of a party by a  
18 person who is not an attorney in a proceeding before either  
19 panel of the Illinois Labor Relations Board under the Illinois  
20 Public Labor Relations Act, as now or hereafter amended, the  
21 Illinois Educational Labor Relations Board under the Illinois  
22 Educational Labor Relations Act, as now or hereafter amended,  
23 the State Civil Service Commission, the local Civil Service  
24 Commissions, or the University Civil Service Merit Board, to  
25 the extent allowed pursuant to rules and regulations  
26 promulgated by those Boards and Commissions or the giving of

1 information, training, or advocacy or assistance in any  
2 meetings or administrative proceedings held pursuant to the  
3 federal Individuals with Disabilities Education Act, the  
4 federal Rehabilitation Act of 1973, the federal Americans with  
5 Disabilities Act of 1990, or the federal Social Security Act,  
6 to the extent allowed by those laws or the federal regulations  
7 or State statutes implementing those laws.

8 (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;  
9 95-410, eff. 8-24-07.)

10 Section 195. The Illinois Securities Law of 1953 is amended  
11 by changing Section 8 as follows:

12 (815 ILCS 5/8) (from Ch. 121 1/2, par. 137.8)

13 Sec. 8. Registration of dealers, limited Canadian dealers,  
14 salespersons, investment advisers, and investment adviser  
15 representatives.

16 A. Except as otherwise provided in this subsection A, every  
17 dealer, limited Canadian dealer, salesperson, investment  
18 adviser, and investment adviser representative shall be  
19 registered as such with the Secretary of State. No dealer or  
20 salesperson need be registered as such when offering or selling  
21 securities in transactions exempted by subsection A, B, C, D,  
22 E, G, H, I, J, K, M, O, P, Q, R or S of Section 4 of this Act,  
23 provided that such dealer or salesperson is not regularly

1 engaged in the business of offering or selling securities in  
2 reliance upon the exemption set forth in subsection G or M of  
3 Section 4 of this Act. No dealer, issuer or controlling person  
4 shall employ a salesperson unless such salesperson is  
5 registered as such with the Secretary of State or is employed  
6 for the purpose of offering or selling securities solely in  
7 transactions exempted by subsection A, B, C, D, E, G, H, I, J,  
8 K, L, M, O, P, Q, R or S of Section 4 of this Act; provided that  
9 such salesperson need not be registered when effecting  
10 transactions in this State limited to those transactions  
11 described in Section 15(h)(2) of the Federal 1934 Act or  
12 engaging in the offer or sale of securities in respect of which  
13 he or she has beneficial ownership and is a controlling person.  
14 The Secretary of State may, by rule, regulation or order and  
15 subject to such terms, conditions, and fees as may be  
16 prescribed in such rule, regulation or order, exempt from the  
17 registration requirements of this Section 8 any investment  
18 adviser, if the Secretary of State shall find that such  
19 registration is not necessary in the public interest by reason  
20 of the small number of clients or otherwise limited character  
21 of operation of such investment adviser.

22 B. An application for registration as a dealer or limited  
23 Canadian dealer, executed, verified, or authenticated by or on  
24 behalf of the applicant, shall be filed with the Secretary of  
25 State, in such form as the Secretary of State may by rule,

1 regulation or order prescribe, setting forth or accompanied by:

2 (1) The name and address of the applicant, the location  
3 of its principal business office and all branch offices, if  
4 any, and the date of its organization;

5 (2) A statement of any other Federal or state licenses  
6 or registrations which have been granted the applicant and  
7 whether any such licenses or registrations have ever been  
8 refused, cancelled, suspended, revoked or withdrawn;

9 (3) The assets and all liabilities, including  
10 contingent liabilities of the applicant, as of a date not  
11 more than 60 days prior to the filing of the application;

12 (4) (a) A brief description of any civil or criminal  
13 proceeding of which fraud is an essential element pending  
14 against the applicant and whether the applicant has ever  
15 been convicted of a felony, or of any misdemeanor of which  
16 fraud is an essential element;

17 (b) A list setting forth the name, residence and  
18 business address and a 10 year occupational statement of  
19 each principal of the applicant and a statement describing  
20 briefly any civil or criminal proceedings of which fraud is  
21 an essential element pending against any such principal and  
22 the facts concerning any conviction of any such principal  
23 of a felony, or of any misdemeanor of which fraud is an  
24 essential element;

25 (5) If the applicant is a corporation: a list of its  
26 officers and directors setting forth the residence and

1 business address of each; a 10-year occupational statement  
2 of each such officer or director; and a statement  
3 describing briefly any civil or criminal proceedings of  
4 which fraud is an essential element pending against each  
5 such officer or director and the facts concerning any  
6 conviction of any officer or director of a felony, or of  
7 any misdemeanor of which fraud is an essential element;

8 (6) If the applicant is a sole proprietorship, a  
9 partnership, limited liability company, an unincorporated  
10 association or any similar form of business organization:  
11 the name, residence and business address of the proprietor  
12 or of each partner, member, officer, director, trustee or  
13 manager; the limitations, if any, of the liability of each  
14 such individual; a 10-year occupational statement of each  
15 such individual; a statement describing briefly any civil  
16 or criminal proceedings of which fraud is an essential  
17 element pending against each such individual and the facts  
18 concerning any conviction of any such individual of a  
19 felony, or of any misdemeanor of which fraud is an  
20 essential element;

21 (7) Such additional information as the Secretary of  
22 State may by rule or regulation prescribe as necessary to  
23 determine the applicant's financial responsibility,  
24 business repute and qualification to act as a dealer.

25 (8) (a) No applicant shall be registered or  
26 re-registered as a dealer or limited Canadian dealer under

1 this Section unless and until each principal of the dealer  
2 has passed an examination conducted by the Secretary of  
3 State or a self-regulatory organization of securities  
4 dealers or similar person, which examination has been  
5 designated by the Secretary of State by rule, regulation or  
6 order to be satisfactory for purposes of determining  
7 whether the applicant has sufficient knowledge of the  
8 securities business and laws relating thereto to act as a  
9 registered dealer. Any dealer who was registered on  
10 September 30, 1963, and has continued to be so registered;  
11 and any principal of any registered dealer, who was acting  
12 in such capacity on and continuously since September 30,  
13 1963; and any individual who has previously passed a  
14 securities dealer examination administered by the  
15 Secretary of State or any examination designated by the  
16 Secretary of State to be satisfactory for purposes of  
17 determining whether the applicant has sufficient knowledge  
18 of the securities business and laws relating thereto to act  
19 as a registered dealer by rule, regulation or order, shall  
20 not be required to pass an examination in order to continue  
21 to act in such capacity. The Secretary of State may by  
22 order waive the examination requirement for any principal  
23 of an applicant for registration under this subsection B  
24 who has had such experience or education relating to the  
25 securities business as may be determined by the Secretary  
26 of State to be the equivalent of such examination. Any

1 request for such a waiver shall be filed with the Secretary  
2 of State in such form as may be prescribed by rule or  
3 regulation.

4 (b) Unless an applicant is a member of the body  
5 corporate known as the Securities Investor Protection  
6 Corporation established pursuant to the Act of Congress of  
7 the United States known as the Securities Investor  
8 Protection Act of 1970, as amended, a member of an  
9 association of dealers registered as a national securities  
10 association pursuant to Section 15A of the Federal 1934  
11 Act, or a member of a self-regulatory organization or stock  
12 exchange in Canada which the Secretary of State has  
13 designated by rule or order, an applicant shall not be  
14 registered or re-registered unless and until there is filed  
15 with the Secretary of State evidence that such applicant  
16 has in effect insurance or other equivalent protection for  
17 each client's cash or securities held by such applicant,  
18 and an undertaking that such applicant will continually  
19 maintain such insurance or other protection during the  
20 period of registration or re-registration. Such insurance  
21 or other protection shall be in a form and amount  
22 reasonably prescribed by the Secretary of State by rule or  
23 regulation.

24 (9) The application for the registration of a dealer or  
25 limited Canadian dealer shall be accompanied by a filing  
26 fee and a fee for each branch office in this State, in each

1 case in the amount established pursuant to Section 11a of  
2 this Act, which fees shall not be returnable in any event.

3 (10) The Secretary of State shall notify the dealer or  
4 limited Canadian dealer by written notice (which may be by  
5 electronic or facsimile transmission) of the effectiveness  
6 of the registration as a dealer in this State.

7 (11) Any change which renders no longer accurate any  
8 information contained in any application for registration  
9 or re-registration of a dealer or limited Canadian dealer  
10 shall be reported to the Secretary of State within 10  
11 business days after the occurrence of such change; but in  
12 respect to assets and liabilities only materially adverse  
13 changes need be reported.

14 C. Any registered dealer, limited Canadian dealer, issuer,  
15 or controlling person desiring to register a salesperson shall  
16 file an application with the Secretary of State, in such form  
17 as the Secretary of State may by rule or regulation prescribe,  
18 which the salesperson is required by this Section to provide to  
19 the dealer, issuer, or controlling person, executed, verified,  
20 or authenticated by the salesperson setting forth or  
21 accompanied by:

22 (1) the name, residence and business address of the  
23 salesperson;

24 (2) whether any federal or State license or  
25 registration as dealer, limited Canadian dealer, or



1 salesperson has ever been refused the salesperson or  
2 cancelled, suspended, revoked, withdrawn, barred, limited,  
3 or otherwise adversely affected in a similar manner or  
4 whether the salesperson has ever been censured or expelled;

5 (3) the nature of employment with, and names and  
6 addresses of, employers of the salesperson for the 10 years  
7 immediately preceding the date of application;

8 (4) a brief description of any civil or criminal  
9 proceedings of which fraud is an essential element pending  
10 against the salesperson, and whether the salesperson has  
11 ever been convicted of a felony, or of any misdemeanor of  
12 which fraud is an essential element;

13 (5) such additional information as the Secretary of  
14 State may by rule, regulation or order prescribe as  
15 necessary to determine the salesperson's business repute  
16 and qualification to act as a salesperson; and

17 (6) no individual shall be registered or re-registered  
18 as a salesperson under this Section unless and until such  
19 individual has passed an examination conducted by the  
20 Secretary of State or a self-regulatory organization of  
21 securities dealers or similar person, which examination  
22 has been designated by the Secretary of State by rule,  
23 regulation or order to be satisfactory for purposes of  
24 determining whether the applicant has sufficient knowledge  
25 of the securities business and laws relating thereto to act  
26 as a registered salesperson.

1           Any salesperson who was registered prior to September  
2           30, 1963, and has continued to be so registered, and any  
3           individual who has passed a securities salesperson  
4           examination administered by the Secretary of State or an  
5           examination designated by the Secretary of State by rule,  
6           regulation or order to be satisfactory for purposes of  
7           determining whether the applicant has sufficient knowledge  
8           of the securities business and laws relating thereto to act  
9           as a registered salesperson, shall not be required to pass  
10          an examination in order to continue to act as a  
11          salesperson. The Secretary of State may by order waive the  
12          examination requirement for any applicant for registration  
13          under this subsection C who has had such experience or  
14          education relating to the securities business as may be  
15          determined by the Secretary of State to be the equivalent  
16          of such examination. Any request for such a waiver shall be  
17          filed with the Secretary of State in such form as may be  
18          prescribed by rule, regulation or order.

19           (7) The application for registration of a salesperson  
20          shall be accompanied by a filing fee and a Securities Audit  
21          and Enforcement Fund fee, each in the amount established  
22          pursuant to Section 11a of this Act, which shall not be  
23          returnable in any event.

24           (8) Any change which renders no longer accurate any  
25          information contained in any application for registration  
26          or re-registration as a salesperson shall be reported to

1 the Secretary of State within 10 business days after the  
2 occurrence of such change. If the activities are terminated  
3 which rendered an individual a salesperson for the dealer,  
4 issuer or controlling person, the dealer, issuer or  
5 controlling person, as the case may be, shall notify the  
6 Secretary of State, in writing, within 30 days of the  
7 salesperson's cessation of activities, using the  
8 appropriate termination notice form.

9 (9) A registered salesperson may transfer his or her  
10 registration under this Section 8 for the unexpired term  
11 thereof from one registered dealer or limited Canadian  
12 dealer to another by the giving of notice of the transfer  
13 by the new registered dealer or limited Canadian dealer to  
14 the Secretary of State in such form and subject to such  
15 conditions as the Secretary of State shall by rule or  
16 regulation prescribe. The new registered dealer or limited  
17 Canadian dealer shall promptly file an application for  
18 registration of such salesperson as provided in this  
19 subsection C, accompanied by the filing fee prescribed by  
20 paragraph (7) of this subsection C.

21 C-5. Except with respect to federal covered investment  
22 advisers whose only clients are investment companies as defined  
23 in the Federal 1940 Act, other investment advisers, federal  
24 covered investment advisers, or any similar person which the  
25 Secretary of State may prescribe by rule or order, a federal

1 covered investment adviser shall file with the Secretary of  
2 State, prior to acting as a federal covered investment adviser  
3 in this State, such documents as have been filed with the  
4 Securities and Exchange Commission as the Secretary of State by  
5 rule or order may prescribe. The notification of a federal  
6 covered investment adviser shall be accompanied by a  
7 notification filing fee established pursuant to Section 11a of  
8 this Act, which shall not be returnable in any event. Every  
9 person acting as a federal covered investment adviser in this  
10 State shall file a notification filing and pay an annual  
11 notification filing fee established pursuant to Section 11a of  
12 this Act, which is not returnable in any event. The failure to  
13 file any such notification shall constitute a violation of  
14 subsection D of Section 12 of this Act, subject to the  
15 penalties enumerated in Section 14 of this Act. Until October  
16 10, 1999 or other date as may be legally permissible, a federal  
17 covered investment adviser who fails to file the notification  
18 or refuses to pay the fees as required by this subsection shall  
19 register as an investment adviser with the Secretary of State  
20 under Section 8 of this Act. The civil remedies provided for in  
21 subsection A of Section 13 of this Act and the civil remedies  
22 of rescission and appointment of receiver, conservator,  
23 ancillary receiver, or ancillary conservator provided for in  
24 subsection F of Section 13 of this Act shall not be available  
25 against any person by reason of the failure to file any such  
26 notification or to pay the notification fee or on account of

1 the contents of any such notification.

2 D. An application for registration as an investment  
3 adviser, executed, verified, or authenticated by or on behalf  
4 of the applicant, shall be filed with the Secretary of State,  
5 in such form as the Secretary of State may by rule or  
6 regulation prescribe, setting forth or accompanied by:

7 (1) The name and form of organization under which the  
8 investment adviser engages or intends to engage in  
9 business; the state or country and date of its  
10 organization; the location of the adviser's principal  
11 business office and branch offices, if any; the names and  
12 addresses of the adviser's principal, partners, officers,  
13 directors, and persons performing similar functions or, if  
14 the investment adviser is an individual, of the individual;  
15 and the number of the adviser's employees who perform  
16 investment advisory functions;

17 (2) The education, the business affiliations for the  
18 past 10 years, and the present business affiliations of the  
19 investment adviser and of the adviser's principal,  
20 partners, officers, directors, and persons performing  
21 similar functions and of any person controlling the  
22 investment adviser;

23 (3) The nature of the business of the investment  
24 adviser, including the manner of giving advice and  
25 rendering analyses or reports;

1           (4) The nature and scope of the authority of the  
2 investment adviser with respect to clients' funds and  
3 accounts;

4           (5) The basis or bases upon which the investment  
5 adviser is compensated;

6           (6) Whether the investment adviser or any principal,  
7 partner, officer, director, person performing similar  
8 functions or person controlling the investment adviser (i)  
9 within 10 years of the filing of the application has been  
10 convicted of a felony, or of any misdemeanor of which fraud  
11 is an essential element, or (ii) is permanently or  
12 temporarily enjoined by order or judgment from acting as an  
13 investment adviser, underwriter, dealer, principal or  
14 salesperson, or from engaging in or continuing any conduct  
15 or practice in connection with any such activity or in  
16 connection with the purchase or sale of any security, and  
17 in each case the facts relating to the conviction, order or  
18 judgment;

19           (7) (a) A statement as to whether the investment  
20 adviser is engaged or is to engage primarily in the  
21 business of rendering investment supervisory services; and

22           (b) A statement that the investment adviser will  
23 furnish his, her, or its clients with such information as  
24 the Secretary of State deems necessary in the form  
25 prescribed by the Secretary of State by rule or regulation;

26           (8) Such additional information as the Secretary of

1 State may, by rule, regulation or order prescribe as  
2 necessary to determine the applicant's financial  
3 responsibility, business repute and qualification to act  
4 as an investment adviser.

5 (9) No applicant shall be registered or re-registered  
6 as an investment adviser under this Section unless and  
7 until each principal of the applicant who is actively  
8 engaged in the conduct and management of the applicant's  
9 advisory business in this State has passed an examination  
10 or completed an educational program conducted by the  
11 Secretary of State or an association of investment advisers  
12 or similar person, which examination or educational  
13 program has been designated by the Secretary of State by  
14 rule, regulation or order to be satisfactory for purposes  
15 of determining whether the applicant has sufficient  
16 knowledge of the securities business and laws relating  
17 thereto to conduct the business of a registered investment  
18 adviser.

19 Any person who was a registered investment adviser  
20 prior to September 30, 1963, and has continued to be so  
21 registered, and any individual who has passed an investment  
22 adviser examination administered by the Secretary of  
23 State, or passed an examination or completed an educational  
24 program designated by the Secretary of State by rule,  
25 regulation or order to be satisfactory for purposes of  
26 determining whether the applicant has sufficient knowledge

1 of the securities business and laws relating thereto to  
2 conduct the business of a registered investment adviser,  
3 shall not be required to pass an examination or complete an  
4 educational program in order to continue to act as an  
5 investment adviser. The Secretary of State may by order  
6 waive the examination or educational program requirement  
7 for any applicant for registration under this subsection D  
8 if the principal of the applicant who is actively engaged  
9 in the conduct and management of the applicant's advisory  
10 business in this State has had such experience or education  
11 relating to the securities business as may be determined by  
12 the Secretary of State to be the equivalent of the  
13 examination or educational program. Any request for a  
14 waiver shall be filed with the Secretary of State in such  
15 form as may be prescribed by rule or regulation.

16 (10) No applicant shall be registered or re-registered  
17 as an investment adviser under this Section 8 unless the  
18 application for registration or re-registration is  
19 accompanied by an application for registration or  
20 re-registration for each person acting as an investment  
21 adviser representative on behalf of the adviser and a  
22 Securities Audit and Enforcement Fund fee that shall not be  
23 returnable in any event is paid with respect to each  
24 investment adviser representative.

25 (11) The application for registration of an investment  
26 adviser shall be accompanied by a filing fee and a fee for



1 each branch office in this State, in each case in the  
2 amount established pursuant to Section 11a of this Act,  
3 which fees shall not be returnable in any event.

4 (12) The Secretary of State shall notify the investment  
5 adviser by written notice (which may be by electronic or  
6 facsimile transmission) of the effectiveness of the  
7 registration as an investment adviser in this State.

8 (13) Any change which renders no longer accurate any  
9 information contained in any application for registration  
10 or re-registration of an investment adviser shall be  
11 reported to the Secretary of State within 10 business days  
12 after the occurrence of the change. In respect to assets  
13 and liabilities of an investment adviser that retains  
14 custody of clients' cash or securities or accepts  
15 pre-payment of fees in excess of \$500 per client and 6 or  
16 more months in advance only materially adverse changes need  
17 be reported by written notice (which may be by electronic  
18 or facsimile transmission) no later than the close of  
19 business on the second business day following the discovery  
20 thereof.

21 (14) Each application for registration as an  
22 investment adviser shall become effective automatically on  
23 the 45th day following the filing of the application,  
24 required documents or information, and payment of the  
25 required fee unless (i) the Secretary of State has  
26 registered the investment adviser prior to that date or

1           (ii) an action with respect to the applicant is pending  
2           under Section 11 of this Act.

3           D-5. A registered investment adviser or federal covered  
4           investment adviser desiring to register an investment adviser  
5           representative shall file an application with the Secretary of  
6           State, in the form as the Secretary of State may by rule or  
7           order prescribe, which the investment adviser representative  
8           is required by this Section to provide to the investment  
9           adviser, executed, verified, or authenticated by the  
10          investment adviser representative and setting forth or  
11          accompanied by:

12           (1) The name, residence, and business address of the  
13          investment adviser representative;

14           (2) A statement whether any federal or state license or  
15          registration as a dealer, salesperson, investment adviser,  
16          or investment adviser representative has ever been  
17          refused, canceled, suspended, revoked or withdrawn;

18           (3) The nature of employment with, and names and  
19          addresses of, employers of the investment adviser  
20          representative for the 10 years immediately preceding the  
21          date of application;

22           (4) A brief description of any civil or criminal  
23          proceedings, of which fraud is an essential element,  
24          pending against the investment adviser representative and  
25          whether the investment adviser representative has ever

1           been convicted of a felony or of any misdemeanor of which  
2           fraud is an essential element;

3           (5) Such additional information as the Secretary of  
4           State may by rule or order prescribe as necessary to  
5           determine the investment adviser representative's business  
6           repute or qualification to act as an investment adviser  
7           representative;

8           (6) Documentation that the individual has passed an  
9           examination conducted by the Secretary of State, an  
10          organization of investment advisers, or similar person,  
11          which examination has been designated by the Secretary of  
12          State by rule or order to be satisfactory for purposes of  
13          determining whether the applicant has sufficient knowledge  
14          of the investment advisory or securities business and laws  
15          relating to that business to act as a registered investment  
16          adviser representative; and

17          (7) A Securities Audit and Enforcement Fund fee  
18          established under Section 11a of this Act, which shall not  
19          be returnable in any event.

20          The Secretary of State may by order waive the examination  
21          requirement for an applicant for registration under this  
22          subsection D-5 who has had the experience or education relating  
23          to the investment advisory or securities business as may be  
24          determined by the Secretary of State to be the equivalent of  
25          the examination. A request for a waiver shall be filed with the  
26          Secretary of State in the form as may be prescribed by rule or

1 order.

2 A change that renders no longer accurate any information  
3 contained in any application for registration or  
4 re-registration as an investment adviser representative must  
5 be reported to the Secretary of State within 10 business days  
6 after the occurrence of the change. If the activities that  
7 rendered an individual an investment adviser representative  
8 for the investment adviser are terminated, the investment  
9 adviser shall notify the Secretary of State in writing (which  
10 may be by electronic or facsimile transmission), within 30 days  
11 of the investment adviser representative's termination, using  
12 the appropriate termination notice form as the Secretary of  
13 State may prescribe by rule or order.

14 A registered investment adviser representative may  
15 transfer his or her registration under this Section 8 for the  
16 unexpired term of the registration from one registered  
17 investment adviser to another by the giving of notice of the  
18 transfer by the new investment adviser to the Secretary of  
19 State in the form and subject to the conditions as the  
20 Secretary of State shall prescribe. The new registered  
21 investment adviser shall promptly file an application for  
22 registration of the investment adviser representative as  
23 provided in this subsection, accompanied by the Securities  
24 Audit and Enforcement Fund fee prescribed by paragraph (7) of  
25 this subsection D-5.

1 E. (1) Subject to the provisions of subsection F of Section  
2 11 of this Act, the registration of a dealer, limited Canadian  
3 dealer, salesperson, investment adviser, or investment adviser  
4 representative may be denied, suspended or revoked if the  
5 Secretary of State finds that the dealer, limited Canadian  
6 dealer, salesperson, investment adviser, or investment adviser  
7 representative or any principal officer, director, partner,  
8 member, trustee, manager or any person who performs a similar  
9 function of the dealer, limited Canadian dealer, or investment  
10 adviser:

11 (a) has been convicted of any felony during the 10 year  
12 period preceding the date of filing of any application for  
13 registration or at any time thereafter, or of any  
14 misdemeanor of which fraud is an essential element;

15 (b) has engaged in any unethical practice in connection  
16 with any security, or in any fraudulent business practice;

17 (c) has failed to account for any money or property, or  
18 has failed to deliver any security, to any person entitled  
19 thereto when due or within a reasonable time thereafter;

20 (d) in the case of a dealer, limited Canadian dealer,  
21 or investment adviser, is insolvent;

22 (e) in the case of a dealer, limited Canadian dealer,  
23 salesperson, or registered principal of a dealer or limited  
24 Canadian dealer (i) has failed reasonably to supervise the  
25 securities activities of any of its salespersons or other  
26 employees and the failure has permitted or facilitated a

1 violation of Section 12 of this Act or (ii) is offering or  
2 selling or has offered or sold securities in this State  
3 through a salesperson other than a registered salesperson,  
4 or, in the case of a salesperson, is selling or has sold  
5 securities in this State for a dealer, limited Canadian  
6 dealer, issuer or controlling person with knowledge that  
7 the dealer, limited Canadian dealer, issuer or controlling  
8 person has not complied with the provisions of this Act or  
9 (iii) has failed reasonably to supervise the  
10 implementation of compliance measures following notice by  
11 the Secretary of State of noncompliance with the Act or  
12 with the regulations promulgated thereunder or both or (iv)  
13 has failed to maintain and enforce written procedures to  
14 supervise the types of business in which it engages and to  
15 supervise the activities of its salespersons that are  
16 reasonably designed to achieve compliance with applicable  
17 securities laws and regulations;

18 (f) in the case of an investment adviser, has failed  
19 reasonably to supervise the advisory activities of any of  
20 its investment adviser representatives or employees and  
21 the failure has permitted or facilitated a violation of  
22 Section 12 of this Act;

23 (g) has violated any of the provisions of this Act;

24 (h) has made any material misrepresentation to the  
25 Secretary of State in connection with any information  
26 deemed necessary by the Secretary of State to determine a

1 dealer's, limited Canadian dealer's, or investment  
2 adviser's financial responsibility or a dealer's, limited  
3 Canadian dealer's, investment adviser's, salesperson's, or  
4 investment adviser representative's business repute or  
5 qualifications, or has refused to furnish any such  
6 information requested by the Secretary of State;

7 (i) has had a license or registration under any Federal  
8 or State law regulating securities, commodity futures  
9 contracts, or stock futures contracts refused, cancelled,  
10 suspended, withdrawn, revoked, or otherwise adversely  
11 affected in a similar manner;

12 (j) has had membership in or association with any  
13 self-regulatory organization registered under the Federal  
14 1934 Act or the Federal 1974 Act suspended, revoked,  
15 refused, expelled, cancelled, barred, limited in any  
16 capacity, or otherwise adversely affected in a similar  
17 manner arising from any fraudulent or deceptive act or a  
18 practice in violation of any rule, regulation or standard  
19 duly promulgated by the self-regulatory organization;

20 (k) has had any order entered against it after notice  
21 and opportunity for hearing by a securities agency of any  
22 state, any foreign government or agency thereof, the  
23 Securities and Exchange Commission, or the Federal  
24 Commodities Futures Trading Commission arising from any  
25 fraudulent or deceptive act or a practice in violation of  
26 any statute, rule or regulation administered or

1 promulgated by the agency or commission;

2 (l) in the case of a dealer or limited Canadian dealer,  
3 fails to maintain a minimum net capital in an amount which  
4 the Secretary of State may by rule or regulation require;

5 (m) has conducted a continuing course of dealing of  
6 such nature as to demonstrate an inability to properly  
7 conduct the business of the dealer, limited Canadian  
8 dealer, salesperson, investment adviser, or investment  
9 adviser representative;

10 (n) has had, after notice and opportunity for hearing,  
11 any injunction or order entered against it or license or  
12 registration refused, cancelled, suspended, revoked,  
13 withdrawn, limited, or otherwise adversely affected in a  
14 similar manner by any state or federal body, agency or  
15 commission regulating banking, insurance, finance or small  
16 loan companies, real estate or mortgage brokers or  
17 companies, if the action resulted from any act found by the  
18 body, agency or commission to be a fraudulent or deceptive  
19 act or practice in violation of any statute, rule or  
20 regulation administered or promulgated by the body, agency  
21 or commission;

22 (o) has failed to file a return, or to pay the tax,  
23 penalty or interest shown in a filed return, or to pay any  
24 final assessment of tax, penalty or interest, as required  
25 by any tax Act administered by the Illinois Department of  
26 Revenue, until such time as the requirements of that tax



1 Act are satisfied;

2 (p) (blank) ~~in the case of a natural person who is a~~  
3 ~~dealer, limited Canadian dealer, salesperson, investment~~  
4 ~~adviser, or investment adviser representative, has~~  
5 ~~defaulted on an educational loan guaranteed by the Illinois~~  
6 ~~Student Assistance Commission, until the natural person~~  
7 ~~has established a satisfactory repayment record as~~  
8 ~~determined by the Illinois Student Assistance Commission;~~

9 (q) has failed to maintain the books and records  
10 required under this Act or rules or regulations promulgated  
11 under this Act or under any requirements established by the  
12 Securities and Exchange Commission or a self-regulatory  
13 organization;

14 (r) has refused to allow or otherwise impeded designees  
15 of the Secretary of State from conducting an audit,  
16 examination, inspection, or investigation provided for  
17 under Section 8 or 11 of this Act;

18 (s) has failed to maintain any minimum net capital or  
19 bond requirement set forth in this Act or any rule or  
20 regulation promulgated under this Act;

21 (t) has refused the Secretary of State or his or her  
22 designee access to any office or location within an office  
23 to conduct an investigation, audit, examination, or  
24 inspection;

25 (u) has advised or caused a public pension fund or  
26 retirement system established under the Illinois Pension

1 Code to make an investment or engage in a transaction not  
2 authorized by that Code;

3 (v) if a corporation, limited liability company, or  
4 limited liability partnership has been suspended,  
5 canceled, revoked, or has failed to register as a foreign  
6 corporation, limited liability company, or limited  
7 liability partnership with the Secretary of State;

8 (w) is permanently or temporarily enjoined by any court  
9 of competent jurisdiction, including any state, federal,  
10 or foreign government, from engaging in or continuing any  
11 conduct or practice involving any aspect of the securities  
12 or commodities business or in any other business where the  
13 conduct or practice enjoined involved investments,  
14 franchises, insurance, banking, or finance;

15 (2) If the Secretary of State finds that any registrant or  
16 applicant for registration is no longer in existence or has  
17 ceased to do business as a dealer, limited Canadian dealer,  
18 salesperson, investment adviser, or investment adviser  
19 representative, or is subject to an adjudication as a person  
20 under legal disability or to the control of a guardian, or  
21 cannot be located after reasonable search, or has failed after  
22 written notice to pay to the Secretary of State any additional  
23 fee prescribed by this Section or specified by rule or  
24 regulation, ~~or if a natural person, has defaulted on an~~  
25 ~~educational loan guaranteed by the Illinois Student Assistance~~  
26 ~~Commission,~~ the Secretary of State may by order cancel the

1 registration or application.

2 (3) Withdrawal of an application for registration or  
3 withdrawal from registration as a dealer, limited Canadian  
4 dealer, salesperson, investment adviser, or investment adviser  
5 representative becomes effective 30 days after receipt of an  
6 application to withdraw or within such shorter period of time  
7 as the Secretary of State may determine, unless any proceeding  
8 is pending under Section 11 of this Act when the application is  
9 filed or a proceeding is instituted within 30 days after the  
10 application is filed. If a proceeding is pending or instituted,  
11 withdrawal becomes effective at such time and upon such  
12 conditions as the Secretary of State by order determines. If no  
13 proceeding is pending or instituted and withdrawal  
14 automatically becomes effective, the Secretary of State may  
15 nevertheless institute a revocation or suspension proceeding  
16 within 2 years after withdrawal became effective and enter a  
17 revocation or suspension order as of the last date on which  
18 registration was effective.

19 F. The Secretary of State shall make available upon request  
20 the date that each dealer, investment adviser, salesperson, or  
21 investment adviser representative was granted registration,  
22 together with the name and address of the dealer, limited  
23 Canadian dealer, or issuer on whose behalf the salesperson is  
24 registered, and all orders of the Secretary of State denying or  
25 abandoning an application, or suspending or revoking

1 registration, or censuring the persons. The Secretary of State  
2 may designate by rule, regulation or order the statements,  
3 information or reports submitted to or filed with him or her  
4 pursuant to this Section 8 which the Secretary of State  
5 determines are of a sensitive nature and therefore should be  
6 exempt from public disclosure. Any such statement, information  
7 or report shall be deemed confidential and shall not be  
8 disclosed to the public except upon the consent of the person  
9 filing or submitting the statement, information or report or by  
10 order of court or in court proceedings.

11 G. The registration or re-registration of a dealer or  
12 limited Canadian dealer and of all salespersons registered upon  
13 application of the dealer or limited Canadian dealer shall  
14 expire on the next succeeding anniversary date of the  
15 registration or re-registration of the dealer; and the  
16 registration or re-registration of an investment adviser and of  
17 all investment adviser representatives registered upon  
18 application of the investment adviser shall expire on the next  
19 succeeding anniversary date of the registration of the  
20 investment adviser; provided, that the Secretary of State may  
21 by rule or regulation prescribe an alternate date which any  
22 dealer registered under the Federal 1934 Act or a member of any  
23 self-regulatory association approved pursuant thereto, a  
24 member of a self-regulatory organization or stock exchange in  
25 Canada, or any investment adviser may elect as the expiration

1 date of its dealer or limited Canadian dealer and salesperson  
2 registrations, or the expiration date of its investment adviser  
3 registration, as the case may be. A registration of a  
4 salesperson registered upon application of an issuer or  
5 controlling person shall expire on the next succeeding  
6 anniversary date of the registration, or upon termination or  
7 expiration of the registration of the securities, if any,  
8 designated in the application for his or her registration or  
9 the alternative date as the Secretary may prescribe by rule or  
10 regulation. Subject to paragraph (9) of subsection C of this  
11 Section 8, a salesperson's registration also shall terminate  
12 upon cessation of his or her employment, or termination of his  
13 or her appointment or authorization, in each case by the person  
14 who applied for the salesperson's registration, provided that  
15 the Secretary of State may by rule or regulation prescribe an  
16 alternate date for the expiration of the registration.

17 H. Applications for re-registration of dealers, limited  
18 Canadian dealers, salespersons, investment advisers, and  
19 investment adviser representatives shall be filed with the  
20 Secretary of State prior to the expiration of the then current  
21 registration and shall contain such information as may be  
22 required by the Secretary of State upon initial application  
23 with such omission therefrom or addition thereto as the  
24 Secretary of State may authorize or prescribe. Each application  
25 for re-registration of a dealer, limited Canadian dealer, or

1 investment adviser shall be accompanied by a filing fee, each  
2 application for re-registration as a salesperson shall be  
3 accompanied by a filing fee and a Securities Audit and  
4 Enforcement Fund fee established pursuant to Section 11a of  
5 this Act, and each application for re-registration as an  
6 investment adviser representative shall be accompanied by a  
7 Securities Audit and Enforcement Fund fee established under  
8 Section 11a of this Act, which shall not be returnable in any  
9 event. Notwithstanding the foregoing, applications for  
10 re-registration of dealers, limited Canadian dealers, and  
11 investment advisers may be filed within 30 days following the  
12 expiration of the registration provided that the applicant pays  
13 the annual registration fee together with an additional amount  
14 equal to the annual registration fee and files any other  
15 information or documents that the Secretary of State may  
16 prescribe by rule or regulation or order. Any application filed  
17 within 30 days following the expiration of the registration  
18 shall be automatically effective as of the time of the earlier  
19 expiration provided that the proper fee has been paid to the  
20 Secretary of State.

21 Each registered dealer, limited Canadian dealer, or  
22 investment adviser shall continue to be registered if the  
23 registrant changes his, her, or its form of organization  
24 provided that the dealer or investment adviser files an  
25 amendment to his, her, or its application not later than 30  
26 days following the occurrence of the change and pays the

1 Secretary of State a fee in the amount established under  
2 Section 11a of this Act.

3 I. (1) Every registered dealer, limited Canadian dealer,  
4 and investment adviser shall make and keep for such periods,  
5 such accounts, correspondence, memoranda, papers, books and  
6 records as the Secretary of State may by rule or regulation  
7 prescribe. All records so required shall be preserved for 3  
8 years unless the Secretary of State by rule, regulation or  
9 order prescribes otherwise for particular types of records.

10 (2) Every registered dealer, limited Canadian dealer, and  
11 investment adviser shall file such financial reports as the  
12 Secretary of State may by rule or regulation prescribe.

13 (3) All the books and records referred to in paragraph (1)  
14 of this subsection I are subject at any time or from time to  
15 time to such reasonable periodic, special or other audits,  
16 examinations, or inspections by representatives of the  
17 Secretary of State, within or without this State, as the  
18 Secretary of State deems necessary or appropriate in the public  
19 interest or for the protection of investors.

20 (4) At the time of an audit, examination, or inspection,  
21 the Secretary of State, by his or her designees, may conduct an  
22 interview of any person employed or appointed by or affiliated  
23 with a registered dealer, limited Canadian dealer, or  
24 investment advisor, provided that the dealer, limited Canadian  
25 dealer, or investment advisor shall be given reasonable notice

1 of the time and place for the interview. At the option of the  
2 dealer, limited Canadian dealer, or investment advisor, a  
3 representative of the dealer or investment advisor with  
4 supervisory responsibility over the individual being  
5 interviewed may be present at the interview.

6 J. The Secretary of State may require by rule or regulation  
7 the payment of an additional fee for the filing of information  
8 or documents required to be filed by this Section which have  
9 not been filed in a timely manner. The Secretary of State may  
10 also require by rule or regulation the payment of an  
11 examination fee for administering any examination which it may  
12 conduct pursuant to subsection B, C, D, or D-5 of this Section  
13 8.

14 K. The Secretary of State may declare any application for  
15 registration or limited registration under this Section 8  
16 abandoned by order if the applicant fails to pay any fee or  
17 file any information or document required under this Section 8  
18 or by rule or regulation for more than 30 days after the  
19 required payment or filing date. The applicant may petition the  
20 Secretary of State for a hearing within 15 days after the  
21 applicant's receipt of the order of abandonment, provided that  
22 the petition sets forth the grounds upon which the applicant  
23 seeks a hearing.



1           L. Any document being filed pursuant to this Section 8  
2 shall be deemed filed, and any fee being paid pursuant to this  
3 Section 8 shall be deemed paid, upon the date of actual receipt  
4 thereof by the Secretary of State or his or her designee.

5           M. The Secretary of State shall provide to the Illinois  
6 Student Assistance Commission annually or at mutually agreed  
7 periodic intervals the names and social security numbers of  
8 natural persons registered under subsections B, C, D, and D-5  
9 of this Section. The Illinois Student Assistance Commission  
10 shall determine if any student loan defaulter is registered as  
11 a dealer, limited Canadian dealer, salesperson, or investment  
12 adviser under this Act and report its determination to the  
13 Secretary of State or his or her designee.

14           (Source: P.A. 92-308, eff. 1-1-02; 93-580, eff. 8-21-03.)

15           Section 999. Effective date. This Act takes effect upon  
16 becoming law."