

SB2236



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2236

Introduced 1/13/2016, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

See Index

Amends various acts to remove provisions allowing or requiring licensing authorities to revoke professional licenses for defaulting on an educational loan provided by or guaranteed by the Illinois Student Assistance Commission. Effective immediately.

LRB099 17046 MLM 41402 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Professional Regulation Law of
5 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
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

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

23 (4) To prescribe rules and regulations defining, for

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

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

25 The Department shall issue a monthly disciplinary
26 report.

1 ~~The Department shall deny any license or renewal~~
2 ~~authorized by the Civil Administrative Code of Illinois to~~
3 ~~any person who has defaulted on an educational loan or~~
4 ~~scholarship provided by or guaranteed by the Illinois~~
5 ~~Student Assistance Commission or any governmental agency~~
6 ~~of this State; however, the Department may issue a license~~
7 ~~or renewal if the aforementioned persons have established a~~
8 ~~satisfactory repayment record as determined by the~~
9 ~~Illinois Student Assistance Commission or other~~
10 ~~appropriate governmental agency of this State.~~
11 ~~Additionally, beginning June 1, 1996, any license issued by~~
12 ~~the Department may be suspended or revoked if the~~
13 ~~Department, after the opportunity for a hearing under the~~
14 ~~appropriate licensing Act, finds that the licensee has~~
15 ~~failed to make satisfactory repayment to the Illinois~~
16 ~~Student Assistance Commission for a delinquent or~~
17 ~~defaulted loan. For the purposes of this Section,~~
18 ~~"satisfactory repayment record" shall be defined by rule.~~

19 The Department shall refuse to issue or renew a license
20 to, or shall suspend or revoke a license of, any person
21 who, after receiving notice, fails to comply with a
22 subpoena or warrant relating to a paternity or child
23 support proceeding. However, the Department may issue a
24 license or renewal upon compliance with the subpoena or
25 warrant.

26 The Department, without further process or hearings,

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

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

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

3 (8) To exchange with the Department of Healthcare and
4 Family Services information that may be necessary for the
5 enforcement of child support orders entered pursuant to the
6 Illinois Public Aid Code, the Illinois Marriage and
7 Dissolution of Marriage Act, the Non-Support of Spouse and
8 Children Act, the Non-Support Punishment Act, the Revised
9 Uniform Reciprocal Enforcement of Support Act, the Uniform
10 Interstate Family Support Act, the Illinois Parentage Act
11 of 1984, or the Illinois Parentage Act of 2015.
12 Notwithstanding any provisions in this Code to the
13 contrary, the Department of Professional Regulation shall
14 not be liable under any federal or State law to any person
15 for any disclosure of information to the Department of
16 Healthcare and Family Services (formerly Illinois
17 Department of Public Aid) under this paragraph (8) or for
18 any other action taken in good faith to comply with the
19 requirements of this paragraph (8).

20 (8.5) To accept continuing education credit for
21 mandated reporter training on how to recognize and report
22 child abuse offered by the Department of Children and
23 Family Services and completed by any person who holds a
24 professional license issued by the Department and who is a
25 mandated reporter under the Abused and Neglected Child
26 Reporting Act. The Department shall adopt any rules

1 necessary to implement this paragraph.

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

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

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

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

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

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

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

13 (f) (Blank).

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

1 repayment record" shall be defined by rule.

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

20 Any suspension imposed under this subsection (g) shall be
21 terminated by the Department upon notification from the
22 Illinois Department of Revenue that the licensee is in
23 compliance with all tax laws administered by the Illinois
24 Department of Revenue.

25 The Department may promulgate rules for the administration
26 of this subsection (g).

1 (h) The Department may grant the title "Retired", to be
2 used immediately adjacent to the title of a profession
3 regulated by the Department, to eligible retirees. For
4 individuals licensed under the Medical Practice Act of 1987,
5 the title "Retired" may be used in the profile required by the
6 Patients' Right to Know Act. The use of the title "Retired"
7 shall not constitute representation of current licensure,
8 registration, or certification. Any person without an active
9 license, registration, or certificate in a profession that
10 requires licensure, registration, or certification shall not
11 be permitted to practice that profession.

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

24 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,
25 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised
26 10-16-15.)

1 (20 ILCS 2105/2105-207)

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

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

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

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

15 (3) the Department has no pending investigations
16 against the licensee; and

17 (4) the licensee is not currently in a disciplinary
18 status.

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

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

23 (2) continuing education;

24 (3) failure to renew a license on time;

25 (4) failure to obtain or renew a certificate of

1 registration or ancillary license;

2 (5) advertising; or

3 (6) any grounds for discipline removed from the
4 licensing Act.

5 (c) An application shall be submitted to and considered by
6 the Director of the Division of Professional Regulation upon
7 submission of an application and the required non-refundable
8 fee. The Department may establish additional requirements by
9 rule. The Department is not required to report the removal of
10 any disciplinary record to any national database. Nothing in
11 this Section shall prohibit the Department from using a
12 previous discipline for any regulatory purpose or from
13 releasing records of a previous discipline upon request from
14 law enforcement, or other governmental body as permitted by
15 law. Classification of records as confidential shall result in
16 removal of records of discipline from records kept pursuant to
17 Sections 2105-200 and 2105-205 of this Act.

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

19 (20 ILCS 3310/80 rep.)

20 Section 10. The Nuclear Safety Law of 2004 is amended by
21 repealing Section 80.

22 Section 15. The School Code is amended by changing Section
23 21B-75 as follows:

1 (105 ILCS 5/21B-75)

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

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

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

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

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

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

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

9 (4) The time between the unsatisfactory evaluation
10 ratings.

11 (5) The quality of the remediation plans associated
12 with the unsatisfactory evaluation ratings and whether the
13 license holder successfully completed the remediation
14 plans.

15 (6) Whether the unsatisfactory evaluation ratings were
16 related to the same or different assignments performed by
17 the license holder.

18 (7) Whether one or more of the unsatisfactory
19 evaluation ratings occurred in the first year of a teaching
20 or administrative assignment.

21 When initiating an action against one or more licenses, the
22 State Superintendent may seek required professional
23 development as a sanction in lieu of or in addition to
24 suspension or revocation. Any such required professional
25 development must be at the expense of the license holder, who
26 may use, if available and applicable to the requirements

1 established by administrative or court order, training,
2 coursework, or other professional development funds in
3 accordance with the terms of an applicable collective
4 bargaining agreement entered into after June 13, 2011 (the
5 effective date of Public Act 97-8), unless that agreement
6 specifically precludes use of funds for such purpose.

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

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

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

22 The exclusive authority of the State Superintendent of
23 Education to initiate suspension or revocation of a license
24 pursuant to this Section does not preclude a regional
25 superintendent of schools from cooperating with the State
26 Superintendent or a State's Attorney with respect to an

1 investigation of alleged misconduct.

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

22 (e) All correspondence, documentation, and other
23 information so received by the regional superintendent of
24 schools, the State Superintendent of Education, the State Board
25 of Education, or the State Educator Preparation and Licensure
26 Board under this Section is confidential and must not be

1 disclosed to third parties, except (i) as necessary for the
2 State Superintendent of Education or his or her designee to
3 investigate and prosecute pursuant to this Article, (ii)
4 pursuant to a court order, (iii) for disclosure to the license
5 holder or his or her representative, or (iv) as otherwise
6 required in this Article and provided that any such information
7 admitted into evidence in a hearing is exempt from this
8 confidentiality and non-disclosure requirement.

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

20 (g) Any circuit court, upon the application of the State
21 Superintendent of Education or the license holder, may, by
22 order duly entered, require the attendance of witnesses and the
23 production of relevant books and papers as part of any
24 investigation or at any hearing the State Educator Preparation
25 and Licensure Board is authorized to conduct pursuant to this
26 Section, and the court may compel obedience to its orders by

1 proceedings for contempt.

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

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

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

10 (215 ILCS 5/500-70)

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

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

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

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

20 (2) violating any insurance laws, or violating any
21 rule, subpoena, or order of the Director or of another
22 state's insurance commissioner;

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

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

4 (5) intentionally misrepresenting the terms of an
5 actual or proposed insurance contract or application for
6 insurance;

7 (6) having been convicted of a felony;

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

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

14 (9) having an insurance producer license, or its
15 equivalent, denied, suspended, or revoked in any other
16 state, province, district or territory;

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

19 (11) improperly using notes or any other reference
20 material to complete an examination for an insurance
21 license;

22 (12) knowingly accepting insurance business from an
23 individual who is not licensed;

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

26 (14) failing to pay state income tax or penalty or

1 interest or comply with any administrative or court order
2 directing payment of state income tax or failed to file a
3 return or to pay any final assessment of any tax due to the
4 Department of Revenue;

5 (15) (blank) ~~failing to make satisfactory repayment to~~
6 ~~the Illinois Student Assistance Commission for a~~
7 ~~delinquent or defaulted student loan; or~~

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

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

22 (c) The license of a business entity may be suspended,
23 revoked, or refused if the Director finds, after hearing, that
24 an individual licensee's violation was known or should have
25 been known by one or more of the partners, officers, or
26 managers acting on behalf of the partnership, corporation,

1 limited liability company, or limited liability partnership
2 and the violation was neither reported to the Director nor
3 corrective action taken.

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

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

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

22 (g) A person whose license is revoked or whose application
23 is denied pursuant to this Section is ineligible to apply for
24 any license for 3 years after the revocation or denial. A
25 person whose license as an insurance producer has been revoked,
26 suspended, or denied may not be employed, contracted, or

1 engaged in any insurance related capacity during the time the
2 revocation, suspension, or denial is in effect.

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

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

6 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

8 Sec. 95. Grounds for discipline.

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

15 (a) Material misstatement in furnishing information to
16 the Department.

17 (b) Violations of this Act or of rules adopted under
18 this Act.

19 (c) 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 (d) 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 (e) Professional incompetence or gross negligence.

8 (f) Malpractice.

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

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

13 (i) Engaging in dishonorable, unethical or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

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

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

24 (l) Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered. Nothing in this

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

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

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

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

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

22 (q) Gross and willful overcharging for professional
23 services.

24 (r) (Blank).

25 (s) Willfully failing to report an instance of
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

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

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

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

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

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

26 (3) (Blank) ~~The Department shall deny a license or renewal~~

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

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

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

26 (6) In enforcing this Act, the Department, upon a showing

1 of a possible violation, may compel an individual licensed to
2 practice under this Act, or who has applied for licensure under
3 this Act, to submit to a mental or physical examination, or
4 both, as required by and at the expense of the Department. The
5 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 physicians 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 Act or who has
20 applied for a license under this Act who, because of a physical
21 or mental illness or disability, including, but not limited to,
22 deterioration through the aging process or loss of motor skill,
23 is unable to practice the profession with reasonable judgment,
24 skill, or safety, may be required by the Department to submit
25 to care, counseling, or treatment by physicians approved or
26 designated by the Department as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to
2 practice. Submission to care, counseling, or treatment as
3 required by the Department shall not be considered discipline
4 of a license. If the licensee refuses to enter into a care,
5 counseling, or treatment agreement or fails to abide by the
6 terms of the agreement, then the Department may file a
7 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 Act 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. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;

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

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

4 (225 ILCS 37/35)

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

6 Sec. 35. Grounds for discipline.

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

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

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

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

20 (4) Making any misrepresentation for the purpose of
21 obtaining a certificate of registration.

22 (5) Professional incompetence.

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

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

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

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

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

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

19 (12) 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 (13) Physical illness, including, but not limited to,
23 deterioration through the aging process or loss of motor
24 skills that result in the inability to practice the
25 profession with reasonable judgment, skill, or safety.

26 (14) Failure to comply with rules promulgated by the

1 Illinois Department of Public Health or other State
2 agencies related to the practice of environmental health.

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

11 (16) Solicitation of professional services by using
12 false or misleading advertising.

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

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

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

21 (b) The Department may refuse to issue or may suspend the
22 license of any person who fails to (i) file a return, (ii) pay
23 the tax, penalty, or interest shown in a filed return; or (iii)
24 pay any final assessment of the tax, penalty, or interest as
25 required by any tax Act administered by the Illinois Department
26 of Revenue until the requirements of the tax Act are satisfied.

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

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

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

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

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

21 In instances in which the Director immediately suspends a
22 person's license under this Section, a hearing on that person's
23 license must be convened by the Department within 15 days after
24 the suspension and completed without appreciable delay. The
25 Department shall have the authority to review the subject
26 person's record of treatment and counseling regarding the

1 impairment, to the extent permitted by applicable federal
2 statutes and regulations safeguarding the confidentiality of
3 medical records.

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

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

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

12 (225 ILCS 41/15-75)

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

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

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

19 (1) Practicing the profession of funeral directing and
20 embalming or funeral directing, or attempting to practice
21 the profession of funeral directing and embalming or
22 funeral directing without a license as a funeral director
23 and embalmer or funeral director.

24 (2) Serving or attempting to serve as an intern under a

1 licensed funeral director and embalmer without a license as
2 a licensed funeral director and embalmer intern.

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

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

11 (5) Failing to display a license as required by this
12 Code.

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

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

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

25 (2) Conviction by plea of guilty or nolo contendere,
26 finding of guilt, jury verdict, or entry of judgment or by

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

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

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

16 (5) Professional incompetence, gross negligence,
17 malpractice, or untrustworthiness in the practice of
18 funeral directing and embalming or funeral directing.

19 (6) (Blank).

20 (7) Engaging in, promoting, selling, or issuing burial
21 contracts, burial certificates, or burial insurance
22 policies in connection with the profession as a funeral
23 director and embalmer, funeral director, or funeral
24 director and embalmer intern in violation of any laws of
25 the State of Illinois.

26 (8) Refusing, without cause, to surrender the custody

1 of a deceased human body upon the proper request of the
2 person or persons lawfully entitled to the custody of the
3 body.

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

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

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

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

20 (13) (Blank).

21 (14) Embalming or attempting to embalm a deceased human
22 body without express prior authorization of the person
23 responsible for making the funeral arrangements for the
24 body. This does not apply to cases where embalming is
25 directed by local authorities who have jurisdiction or when
26 embalming is required by State or local law. A licensee may

1 embalm without express prior authorization if a good faith
2 effort has been made to contact family members and has been
3 unsuccessful and the licensee has no reason to believe the
4 family opposes embalming.

5 (15) Making a false statement on a Certificate of Death
6 where the person making the statement knew or should have
7 known that the statement was false.

8 (16) Soliciting human bodies after death or while death
9 is imminent.

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

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

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

21 (20) Taking possession of a dead human body without
22 having first obtained express permission from the person
23 holding the right to control the disposition in accordance
24 with Section 5 of the Disposition of Remains Act or a
25 public agency legally authorized to direct, control or
26 permit the removal of deceased human bodies.

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

14 (22) Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

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

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

23 (25) Knowingly making any false statements, oral or
24 otherwise, of a character likely to influence, persuade or
25 induce others in the course of performing professional
26 services or activities.

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

5 (27) Failing to acquire continuing education required
6 under this Code.

7 (28) (Blank).

8 (29) Aiding or assisting another person in violating
9 any provision of this Code or rules adopted pursuant to
10 this Code.

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

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

18 (32) (Blank).

19 (33) Mental illness or disability which results in the
20 inability to practice the profession with reasonable
21 judgment, skill, or safety.

22 (34) Gross, willful, or continued overcharging for
23 professional services, including filing false statements
24 for collection of fees for which services are not rendered.

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

1 skill which results in a licensee's inability to practice
2 under this Code with reasonable judgment, skill, or safety.

3 (36) Failing to comply with any of the following
4 required activities:

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

20 (B) A licensee shall clearly mark the price of any
21 casket offered for sale or the price of any service
22 using the casket on or in the casket if the casket is
23 displayed at the funeral establishment. If the casket
24 is displayed at any other location, regardless of
25 whether the licensee is in control of that location,
26 the casket shall be clearly marked and the registrant

1 shall use books, catalogues, brochures, or other
2 printed display aids to show the price of each casket
3 or service.

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

26 (D) In all instances where the place of final

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

1 written notice.

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

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

16 (38) (Blank).

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

24 (40) Habitual or excessive use or abuse of drugs
25 defined in law as controlled substances, alcohol, or any
26 other substance which results in the inability to practice

1 with reasonable judgment, skill, or safety.

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

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

6 (c) The Department may refuse to issue or renew or may
7 suspend without a hearing, as provided for in the Department of
8 Professional Regulation Law of the Civil Administrative Code of
9 Illinois, the license of any person who fails to file a return,
10 to pay the tax, penalty or interest shown in a filed 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 the time as the requirements of the tax Act
14 are satisfied in accordance with subsection (g) of Section
15 2105-15 of the Department of Professional Regulation Law of the
16 Civil Administrative Code of Illinois.

17 (d) No action may be taken under this Code against a person
18 licensed under this Code unless the action is commenced within
19 5 years after the occurrence of the alleged violations. A
20 continuing violation shall be deemed to have occurred on the
21 date when the circumstances last existed that give rise to the
22 alleged violation.

23 (e) Nothing in this Section shall be construed or enforced
24 to give a funeral director and embalmer, or his or her
25 designees, authority over the operation of a cemetery or over
26 cemetery employees. Nothing in this Section shall be construed

1 or enforced to impose duties or penalties on cemeteries with
2 respect to the timing of the placement of human remains in
3 their designated grave or the sealing of the above ground
4 depository, crypt, or urn due to patron safety, the allocation
5 of cemetery staffing, liability insurance, a collective
6 bargaining agreement, or other such reasons.

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

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

16 (h) In cases where the Department of Healthcare and Family
17 Services has previously determined a licensee or a potential
18 licensee 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 license or may take other
22 disciplinary action against that person based solely upon the
23 certification of delinquency made by the Department of
24 Healthcare and Family Services in accordance with item (5) of
25 subsection (a) of Section 2105-15 of the Department of
26 Professional Regulation Law of the Civil Administrative Code of

1 Illinois.

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

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

23 (k) In enforcing this Code, the Department, upon a showing
24 of a possible violation, may compel an individual licensed to
25 practice under this Code, or who has applied for licensure
26 under this Code, to submit to a mental or physical examination,

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

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

1 considered discipline of a license. If the licensee refuses to
2 enter into a care, counseling, or treatment agreement or fails
3 to abide by the terms of the agreement, the Department may file
4 a complaint to revoke, suspend, or otherwise discipline the
5 license of the individual. The Secretary may order the license
6 suspended immediately, pending a hearing by the Department.
7 Fines shall not be assessed in disciplinary actions involving
8 physical or mental illness or impairment.

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 Department within 15 days after
12 the suspension and completed without appreciable delay. The
13 Department shall have the authority to review the subject
14 individual's record of treatment and counseling regarding the
15 impairment to the extent permitted by applicable federal
16 statutes and regulations safeguarding the confidentiality of
17 medical records.

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

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

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

1 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)
2 (Section scheduled to be repealed on January 1, 2018)
3 Sec. 85. Refusal, revocation, or suspension.

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

10 (1) Material misstatement in furnishing information to
11 the Department.

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

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

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

21 (5) Professional incompetence.

22 (6) Gross negligence.

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

25 (8) Failing, within 30 days, to provide information in

1 response to a written request made by the Department.

2 (9) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public as defined by the rules of the
5 Department, or violating the rules of professional conduct
6 adopted by the Board and published by the Department.

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

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

15 (12) Directly or indirectly giving to or receiving from
16 any person, firm, corporation, partnership, or association
17 any fee, commission, rebate, or other form of compensation
18 for any professional services not actually or personally
19 rendered. Nothing in this paragraph (12) affects any bona
20 fide independent contractor or employment arrangements
21 among health care professionals, health facilities, health
22 care providers, or other entities, except as otherwise
23 prohibited by law. Any employment arrangements may include
24 provisions for compensation, health insurance, pension, or
25 other employment benefits for the provision of services
26 within the scope of the licensee's practice under this Act.

1 Nothing in this paragraph (12) shall be construed to
2 require an employment arrangement to receive professional
3 fees for services rendered.

4 (13) A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status, has violated the terms of probation.

7 (14) Abandonment of a patient without cause.

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

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

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

21 (18) Physical illness or mental illness or impairment,
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 using

1 false or misleading advertising.

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

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

7 (22) Gross overcharging for professional services
8 including filing statements for collection of fees or
9 moneys for which services are not rendered.

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

17 (c) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 terminate only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of an order so finding and discharging the
24 patient, and upon the recommendation of the Board to the
25 Secretary that the licensee be allowed to resume his or her
26 practice as a licensed marriage and family therapist or an

1 associate marriage and family therapist.

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

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

1 submit to the examination was without reasonable cause.

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

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 30 days after
22 the suspension and completed without appreciable delay. The
23 Department and Board shall have the authority to review the
24 subject individual's record of treatment and counseling
25 regarding the impairment to the extent permitted by applicable
26 federal statutes and regulations safeguarding the

1 confidentiality of 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 or Board that he or she can resume practice in
5 compliance with acceptable and prevailing standards under the
6 provisions of his or her license.

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

8 Section 45. The Massage Licensing Act is amended by
9 changing Section 45 as follows:

10 (225 ILCS 57/45)

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

12 Sec. 45. Grounds for discipline.

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

19 (1) violations of this Act or of the rules adopted
20 under this Act;

21 (2) 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 (3) professional incompetence;

7 (4) advertising in a false, deceptive, or misleading
8 manner;

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

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

16 (7) engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public;

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

23 (9) knowingly delegating professional responsibilities
24 to a person unqualified by training, experience, or
25 licensure to perform;

26 (10) failing to provide information in response to a

1 written request made by the Department within 60 days;

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

6 (12) having a pattern of practice or other behavior
7 that demonstrates incapacity or incompetence to practice
8 under this Act;

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

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

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

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

24 (17) fraud or misrepresentation in applying for or
25 procuring a license under this Act or in connection with
26 applying for renewal of a license under this Act;

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

6 (19) charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered;

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

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

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

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

24 (c) The Department shall revoke any license issued under
25 this Act of any person who is convicted of prostitution, rape,
26 sexual misconduct, or any crime that subjects the licensee to

1 compliance with the requirements of the Sex Offender
2 Registration Act and any such conviction shall operate as a
3 permanent bar in the State of Illinois to practice as a massage
4 therapist.

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

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

20 (f) In cases where the Department of Healthcare and Family
21 Services has previously determined that 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 Civil
4 Administrative Code of Illinois.

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

13 (h) In enforcing this Act, the Department or Board, upon a
14 showing of a possible violation, may compel an individual
15 licensed to practice under this Act, or who has applied for
16 licensure under this Act, to submit to a mental or physical
17 examination, or both, as required by and at the expense of the
18 Department. The Department or Board may order the examining
19 physician to present testimony concerning the mental or
20 physical examination of the licensee or applicant. No
21 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 individual to be examined may have, at
26 his or her own expense, another physician of his or her choice

1 present during all aspects of this examination. The examination
2 shall be performed by a physician licensed to practice medicine
3 in all its branches. Failure of an individual to submit to a
4 mental or physical examination, when directed, shall result in
5 an automatic suspension without hearing.

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

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that person's

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

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

14 Section 50. The Naprapathic Practice Act is amended by
15 changing Section 110 as follows:

16 (225 ILCS 63/110)

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

18 Sec. 110. Grounds for disciplinary action; refusal,
19 revocation, suspension.

20 (a) The Department may refuse to issue or to renew, or may
21 revoke, suspend, place on probation, reprimand or take other
22 disciplinary or non-disciplinary action as the Department may
23 deem appropriate, including imposing fines not to exceed
24 \$10,000 for each violation, with regard to any licensee or

1 license for any one or combination of the following causes:

2 (1) Violations of this Act or of rules adopted under
3 this Act.

4 (2) Material misstatement in furnishing information to
5 the Department.

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

15 (4) Fraud or any misrepresentation in applying for or
16 procuring a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (5) Professional incompetence or gross negligence.

19 (6) Malpractice.

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

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

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

1 (10) 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 (11) Discipline by another U.S. jurisdiction or
6 foreign nation if at least one of the grounds for the
7 discipline is the same or substantially equivalent to those
8 set forth in this Act.

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

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

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

7 (14) 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 (15) Abandonment of a patient without cause.

11 (16) 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 (17) Willfully failing to report an instance of
16 suspected child abuse or neglect as required by the Abused
17 and Neglected Child Reporting Act.

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

23 (19) Solicitation of professional services by means
24 other than permitted advertising.

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

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

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

5 (23) (Blank).

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

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

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

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

22 (28) Promotion of the sale of food supplements,
23 devices, appliances, or goods provided for a client or
24 patient in such manner as to exploit the patient or client
25 for financial gain of the licensee.

26 (29) Having treated ailments of human beings other than

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

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

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

22 (32) The performance of naprapathic service in
23 conjunction with a scheme or plan with another person,
24 firm, or corporation known to be advertising in a manner
25 contrary to this Act or otherwise violating the laws of the
26 State of Illinois concerning the practice of naprapathy.

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

6 (34) (Blank).

7 (35) Gross or willful overcharging for professional
8 services.

9 (36) (Blank).

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

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

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 item (5) of subsection~~
3 ~~(a) of Section 2105-15 of the Department of Professional~~
4 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

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

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

25 (f) In enforcing this Act, the Department, upon a showing
26 of a possible violation, may compel an individual licensed to

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

23 The Department may order the examining physician or any
24 member of the multidisciplinary team to provide to the
25 Department any and all records including business records that
26 relate to the examination and evaluation, including any

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

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

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

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

25 An individual licensed under this Act and affected under
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department that he or she can resume practice in compliance
2 with acceptable and prevailing standards under the provisions
3 of his or her license.

4 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;
5 98-463, eff. 8-16-13.)

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

8 (225 ILCS 75/19) (from Ch. 111, par. 3719)

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

10 Sec. 19. Grounds for discipline.

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

18 (1) Material misstatement in furnishing information to
19 the Department;

20 (2) Violations of this Act, or of the rules promulgated
21 thereunder;

22 (3) Conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or
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 that is
4 (i) a felony or (ii) a misdemeanor, an essential element of
5 which is dishonesty, or that is directly related to the
6 practice of the profession;

7 (4) 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 (5) Professional incompetence;

11 (6) Aiding or assisting another person, firm,
12 partnership or corporation in violating any provision of
13 this Act or rules;

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

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

19 (9) 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 (10) Discipline by another state, unit of government,
24 government agency, the District of Columbia, a territory,
25 or foreign nation, if at least one of the grounds for the
26 discipline is the same or substantially equivalent to those

1 set forth herein;

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

17 (12) A finding by the Department that the license
18 holder, after having his license disciplined, has violated
19 the terms of the discipline;

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

24 (14) Physical illness, including but not limited to,
25 deterioration through the aging process, or loss of motor
26 skill which results in the inability to practice under this

1 Act with reasonable judgment, skill, or safety;

2 (15) Solicitation of professional services other than
3 by permitted advertising;

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

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

8 (18) Professional incompetence or gross negligence;

9 (19) Malpractice;

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

13 (21) Gross, willful, or continued overcharging for
14 professional services;

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

18 (23) Violating the Health Care Worker Self-Referral
19 Act;

20 (24) Having treated patients other than by the practice
21 of occupational therapy as defined in this Act, or having
22 treated patients as a licensed occupational therapist
23 independent of a referral from a physician, advanced
24 practice nurse or physician assistant in accordance with
25 Section 3.1, dentist, podiatric physician, or optometrist,
26 or having failed to notify the physician, advanced practice

1 nurse, physician assistant, dentist, podiatric physician,
2 or optometrist who established a diagnosis that the patient
3 is receiving occupational therapy pursuant to that
4 diagnosis;

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

7 (26) Charging for professional services not rendered,
8 including filing false statements for the collection of
9 fees for which services are not rendered.

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

14 (b) The determination by a circuit court that a license
15 holder is subject to involuntary admission or judicial
16 admission as provided in the Mental Health and Developmental
17 Disabilities Code, as now or hereafter amended, operates as an
18 automatic 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 an order by the
21 court so finding and discharging the patient. In any case where
22 a license is suspended under this provision, the licensee shall
23 file a petition for restoration and shall include evidence
24 acceptable to the Department that the licensee can resume
25 practice in compliance with acceptable and prevailing
26 standards of their profession.

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

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

1 social workers, licensed clinical professional counselors, and
2 other professional and administrative staff. Any examining
3 physician or member of the multidisciplinary team may require
4 any person ordered to submit to an examination and evaluation
5 pursuant to this Section to submit to any additional
6 supplemental testing deemed necessary to complete any
7 examination or evaluation process, including, but not limited
8 to, blood testing, urinalysis, psychological testing, or
9 neuropsychological testing.

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

1 any member of the multidisciplinary team to provide
2 information, reports, records, or other documents or to provide
3 any testimony regarding the examination and evaluation. The
4 individual to be examined may have, at his or her own expense,
5 another physician of his or her choice present during all
6 aspects of the examination.

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

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

24 Individuals licensed under this Act that are affected under
25 this Section, shall be afforded an opportunity to demonstrate
26 to the Department that they can resume practice in compliance

1 with acceptable and prevailing standards under the provisions
2 of their license.

3 (e) (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 paragraph (5) of~~
8 ~~subsection (a) of Section 2105-15 of the Department of~~
9 ~~Professional Regulation Law of the Civil Administrative Code of~~
10 ~~Illinois.~~

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

23 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;
24 98-756, eff. 7-16-14.)

25 Section 60. The Orthotics, Prosthetics, and Pedorthics

1 Practice Act is amended by changing Section 90 as follows:

2 (225 ILCS 84/90)

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

4 Sec. 90. Grounds for discipline.

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

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

14 (2) Violations of or negligent or intentional
15 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 a misrepresentation for the purpose of
23 obtaining a license.

24 (5) A pattern of practice or other behavior that
25 demonstrates incapacity or incompetence to practice under

1 this Act.

2 (6) Gross negligence under this Act.

3 (7) Aiding or assisting another person in violating a
4 provision of this Act or its 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 or conduct of a character likely to
9 deceive, defraud, or harm the public.

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

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

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

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

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

11 (14) Abandonment of a patient or client.

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

15 (16) Willfully 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) Inability to practice the profession with
19 reasonable judgment, skill, or safety as a result of a
20 physical illness, including, but not limited to,
21 deterioration through the aging process or loss of motor
22 skill, or a mental illness or disability.

23 (18) Solicitation of professional services using false
24 or misleading advertising.

25 (b) In enforcing this Section, the Department or Board upon
26 a showing of a possible violation, may compel a licensee or

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

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

24 In instances in which the Secretary otherwise suspends a
25 person's license pursuant to the results of a compelled mental
26 or physical examination, a hearing on that person's license

1 must be convened by the Department within 15 days after the
2 suspension and completed without appreciable delay. The
3 Department and Board shall have the authority to review the
4 subject individual'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 An individual licensed under this Act and affected under
9 this Section shall be afforded an opportunity to demonstrate to
10 the Department or Board that he or she can resume practice in
11 compliance with acceptable and prevailing standards under the
12 provisions of his or her license.

13 (c) (Blank) ~~The Department shall deny a license or renewal~~
14 ~~authorized by this Act to a person who has defaulted on an~~
15 ~~educational loan or scholarship provided or guaranteed by the~~
16 ~~Illinois Student Assistance Commission or any governmental~~
17 ~~agency of this State in accordance with subsection (a) (5) of~~
18 ~~Section 2105.15 of the Department of Professional Regulation~~
19 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
20 ~~2105/2105.15).~~

21 (d) In cases where the Department of Healthcare and Family
22 Services (formerly Department of Public Aid) has previously
23 determined that a licensee or a potential licensee is more than
24 30 days delinquent in the payment of child support and has
25 subsequently certified the delinquency to the Department, the
26 Department may refuse to issue or renew or may revoke or

1 suspend that person's license or may take other disciplinary
2 action against that person based solely upon the certification
3 of delinquency made by the Department of Healthcare and Family
4 Services in accordance with subsection (a)(5) of Section
5 2105-15 of the Department of Professional Regulation Law of the
6 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

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

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

18 Section 65. The Professional Counselor and Clinical
19 Professional Counselor Licensing and Practice Act is amended by
20 changing Section 80 as follows:

21 (225 ILCS 107/80)

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

23 Sec. 80. Grounds for discipline.

24 (a) The Department may refuse to issue, renew, or may

1 revoke, suspend, place on probation, reprimand, or take other
2 disciplinary or non-disciplinary action as the Department
3 deems appropriate, including the issuance of fines not to
4 exceed \$10,000 for each violation, with regard to any license
5 for any one or more of the following:

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

8 (2) Violations or negligent or intentional disregard
9 of this Act or rules adopted under this Act.

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

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

22 (5) Professional incompetence or gross negligence in
23 the rendering of professional counseling or clinical
24 professional counseling services.

25 (6) Malpractice.

26 (7) Aiding or assisting another person in violating any

1 provision of this Act or any rules.

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

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

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

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

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

1 other employment benefits for the provision of services
2 within 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) A finding by the Board that the licensee, after
7 having the license placed on probationary status, has
8 violated the terms of probation.

9 (14) Abandonment of a client.

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

14 (16) Willfully failing to report an instance of
15 suspected child abuse or neglect as required by the Abused
16 and Neglected Child Reporting Act and in matters pertaining
17 to suspected abuse, neglect, financial exploitation, or
18 self-neglect of adults with disabilities and older adults
19 as set forth in the Adult Protective Services Act.

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

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

6 (19) Solicitation of professional services by using
7 false or misleading advertising.

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

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

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

14 (23) Gross and willful overcharging for professional
15 services including filing statements for collection of
16 fees or monies for which services are not rendered.

17 (24) Rendering professional counseling or clinical
18 professional counseling services without a license or
19 practicing outside the scope of a license.

20 (25) Clinical supervisors failing to adequately and
21 responsibly monitor supervisees.

22 All fines imposed under this Section shall be paid within
23 60 days after the effective date of the order imposing the
24 fine.

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 or any governmental~~
3 ~~agency of this State in accordance with item (5) of subsection~~
4 ~~(a) of Section 2105-15 of the Department of Professional~~
5 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

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

17 (b-10) In cases where the Department of Healthcare and
18 Family Services has previously determined a licensee or a
19 potential licensee is more than 30 days delinquent in the
20 payment of child support and has subsequently certified the
21 delinquency to the Department, the Department may refuse to
22 issue or renew or may revoke or suspend that person's license
23 or may take other disciplinary action against that person based
24 solely upon the certification of delinquency made by the
25 Department of Healthcare and Family Services in accordance with
26 item (5) of subsection (a) of Section 2105-15 of the Department

1 of Professional Regulation Law of the Civil Administrative Code
2 of Illinois.

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

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

1 examination. The examination shall be performed by a physician
2 licensed to practice medicine in all its branches. Failure of
3 an individual to submit to a mental or physical examination,
4 when directed, shall result in an automatic suspension without
5 hearing.

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

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that person's

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

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

13 (d) (Blank).

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

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

17 (225 ILCS 109/75)

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

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

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

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

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

14 (4) professional incompetence;

15 (5) advertising in a false, deceptive, or misleading
16 manner;

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

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

24 (8) engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public;

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

5 (10) knowingly delegating professional
6 responsibilities to a person unqualified by training,
7 experience, or licensure to perform;

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

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

14 (13) having a pattern of practice or other behavior
15 that demonstrates incapacity or incompetence to practice
16 under this Act;

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

21 (15) 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 (16) willfully making or filing false records or
25 reports in his or her practice, including, but not limited
26 to, false records filed with State agencies or departments;

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

6 (18) fraud or misrepresentation in applying for or
7 procuring a license under this Act or in connection with
8 applying for renewal of a license under this Act;

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

14 (20) charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered; or

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

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

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

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

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

21 (e) 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 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 and the issuance of a court order so finding and discharging
2 the patient.

3 (f) In enforcing this Act, the Department or Board, upon a
4 showing of a possible violation, may compel an individual
5 licensed to practice under this Act, or who has applied for
6 licensure under this Act, to submit to a mental or physical
7 examination, or both, as required by and at the expense of the
8 Department. The Department or Board may order the examining
9 physician to present testimony concerning the mental or
10 physical examination of the licensee or applicant. No
11 information 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. The
14 examining physician shall be specifically designated by the
15 Board or Department. The individual to be examined may have, at
16 his or her own expense, another physician of his or her choice
17 present during all aspects of this examination. The examination
18 shall be performed by a physician licensed to practice medicine
19 in all its branches. Failure of an individual to submit to a
20 mental or physical examination, when directed, shall result in
21 an automatic suspension without 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, the Department may file a complaint to
10 revoke, suspend, or otherwise discipline the license of the
11 individual. The Secretary may order the license suspended
12 immediately, pending a hearing by the Department. Fines shall
13 not be assessed in disciplinary actions involving physical or
14 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 and Board shall have the authority to review the
20 subject individual's record of treatment and counseling
21 regarding the impairment to the extent permitted by applicable
22 federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 An individual licensed under this Act and subject to action
25 under this Section shall be afforded an opportunity to
26 demonstrate to the Department or Board that he or she can

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

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

4 Section 75. The Illinois Speech-Language Pathology and
5 Audiology Practice Act is amended by changing Section 16 as
6 follows:

7 (225 ILCS 110/16) (from Ch. 111, par. 7916)

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

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

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

16 (a) Fraud in procuring the license.

17 (b) (Blank).

18 (c) Willful or repeated violations of the rules of the
19 Department of Public Health.

20 (d) Division of fees or agreeing to split or divide the
21 fees received for speech-language pathology or audiology
22 services with any person for referring an individual, or
23 assisting in the care or treatment of an individual,
24 without the knowledge of the individual or his or her legal

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

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

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

21 (f) Making any misrepresentations or false promises,
22 directly or indirectly, to influence, persuade or induce
23 patronage.

24 (g) Professional connection or association with, or
25 lending his or her name to another for the illegal practice
26 of speech-language pathology or audiology by another, or

1 professional connection or association with any person,
2 firm or corporation holding itself out in any manner
3 contrary to this Act.

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

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

11 (j) Improper, unprofessional or dishonorable conduct
12 of a character likely to deceive, defraud or harm the
13 public.

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

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

22 (m) A violation of any provision of this Act or rules
23 promulgated thereunder.

24 (n) Discipline by another state, the District of
25 Columbia, territory, or foreign nation of a license to
26 practice speech-language pathology or audiology or a

1 license to practice as a speech-language pathology
2 assistant in its jurisdiction if at least one of the
3 grounds for that discipline is the same as or the
4 equivalent of one of the grounds for discipline set forth
5 herein.

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

9 (p) Gross or repeated malpractice.

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

17 (r) Professional incompetence as manifested by poor
18 standards of care or mental incompetence as declared by a
19 court of competent jurisdiction.

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

23 (i) reporting excessive charges for the purpose of
24 obtaining a total payment in excess of that usually
25 received by the speech-language pathologist,
26 speech-language pathology assistant, or audiologist

1 for the services rendered;

2 (ii) reporting charges for services not rendered;

3 or

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

6 (t) (Blank).

7 (u) Violation of the Health Care Worker Self-Referral
8 Act.

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

16 (w) Violation of the Hearing Instrument Consumer
17 Protection Act.

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

21 (y) Wilfully exceeding the scope of duties customarily
22 undertaken by speech-language pathology assistants set
23 forth in Section 8.7 that results in, or may result in,
24 harm to the public.

25 (2) (Blank) ~~The Department shall deny a license or renewal~~
26 ~~authorized by this Act to any person who has defaulted on an~~

1 ~~educational loan guaranteed by the Illinois State Scholarship~~
2 ~~Commission; however, the Department may issue a license or~~
3 ~~renewal if the aforementioned persons have established a~~
4 ~~satisfactory repayment record as determined by the Illinois~~
5 ~~State Scholarship Commission.~~

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

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

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

16 If the Board finds an individual unable to practice because
17 of the reasons set forth in this Section, the Board may require
18 that individual to submit to care, counseling, or treatment by
19 physicians or clinical psychologists approved or designated by
20 the Board, as a condition, term, or restriction for continued,
21 reinstated, or renewed licensure to practice; or, in lieu of
22 care, counseling, or treatment, the Board may recommend to the
23 Department to file a complaint to immediately suspend, revoke,
24 or otherwise discipline the license of the individual. Any
25 individual whose license was granted, continued, reinstated,
26 renewed, disciplined or supervised subject to such terms,

1 conditions, or restrictions, and who fails to comply with such
2 terms, conditions, or restrictions, shall be referred to the
3 Secretary for a determination as to whether the individual
4 shall have his or her license suspended immediately, pending a
5 hearing by the Board.

6 In instances in which the Secretary immediately suspends a
7 person's license under this Section, a hearing on that person's
8 license must be convened by the Board within 15 days after the
9 suspension and completed without appreciable delay. The Board
10 shall have the authority to review the subject individual'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 An individual licensed under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate to
17 the Board that he or she can resume practice in compliance with
18 acceptable and prevailing standards under the provisions of his
19 or her license.

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

22 Section 80. The Veterinary Medicine and Surgery Practice
23 Act of 2004 is amended by changing Section 25 as follows:

24 (225 ILCS 115/25) (from Ch. 111, par. 7025)

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

2 Sec. 25. Disciplinary actions.

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

11 A. Material misstatement in furnishing information to
12 the Department.

13 B. Violations of this Act, or of the rules adopted
14 pursuant to this Act.

15 C. 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 D. Fraud or any misrepresentation in applying for or
25 procuring a license under this Act or in connection with
26 applying for renewal of a license under this Act.

1 E. Professional incompetence.

2 F. Malpractice.

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

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

7 I. Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public.

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

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

19 L. Charging for professional services not rendered,
20 including filing false statements for the collection of
21 fees for which services are not rendered.

22 M. A finding by the Board that the licensee or
23 certificate holder, after having his license or
24 certificate placed on probationary status, has violated
25 the terms of probation.

26 N. Willfully making or filing false records or reports

1 in his practice, including but not limited to false records
2 filed with State agencies or departments.

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

7 P. Solicitation of professional services other than
8 permitted advertising.

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

11 R. Conviction of or cash compromise of a charge or
12 violation of the Harrison Act or the Illinois Controlled
13 Substances Act, regulating narcotics.

14 S. Fraud or dishonesty in applying, treating, or
15 reporting on tuberculin or other biological tests.

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

18 U. Fraudulent use or misuse of any health certificate,
19 shipping certificate, brand inspection certificate, or
20 other blank forms used in practice that might lead to the
21 dissemination of disease or the transportation of diseased
22 animals dead or alive; or dilatory methods, willful
23 neglect, or misrepresentation in the inspection of milk,
24 meat, poultry, and the by-products thereof.

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

26 W. Failure to keep one's premises and all equipment

1 therein in a clean and sanitary condition.

2 X. Failure to provide satisfactory proof of having
3 participated in approved continuing education programs.

4 Y. Mental illness or disability that results in the
5 inability to practice under this Act with reasonable
6 judgment, skill, or safety.

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

13 AA. 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
16 veterinarian.

17 BB. Gross, willful, or continued overcharging for
18 professional services.

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

21 DD. Violating state or federal laws or regulations
22 relating to controlled substances or legend drugs.

23 EE. Cheating on or attempting to subvert the licensing
24 examination administered under this Act.

25 FF. Using, prescribing, or selling a prescription drug
26 or the extra-label use of a prescription drug by any means

1 in the absence of a valid veterinarian-client-patient
2 relationship.

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

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the fine
10 or in accordance with the terms set forth in the order imposing
11 the fine.

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

25 3. All proceedings to suspend, revoke, place on
26 probationary status, or take any other disciplinary action as

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

22 4. The Department may refuse to issue or may suspend
23 without hearing, as provided for in the Illinois Code of Civil
24 Procedure, the license of any person who fails 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 Illinois Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied in accordance
4 with subsection (g) of Section 2105-15 of the Civil
5 Administrative Code of Illinois.

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

1 examination or evaluation process, including, but not limited
2 to, blood testing, urinalysis, psychological testing, or
3 neuropsychological testing.

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

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

10 In instances in which the Secretary immediately suspends a
11 registration under this Section, a hearing upon such person's
12 registration must be convened by the Department within 15 days
13 after such suspension and completed without appreciable delay.
14 The Department shall have the authority to review the
15 registrant'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 Individuals registered under this Act who are affected
20 under this Section, shall be afforded an opportunity to
21 demonstrate to the Department that they can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of their registration.

24 6. (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~~

~~Illinois Student Assistance Commission or any governmental agency of this State in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.~~

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

(Source: P.A. 98-339, eff. 12-31-13; 99-78, eff. 7-20-15.)

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

(225 ILCS 130/75)

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

Sec. 75. Grounds for disciplinary action.

(a) The Department may refuse to issue, renew, or restore a registration, may revoke or suspend a registration, or may

1 place on probation, reprimand, or take other disciplinary or
2 non-disciplinary action with regard to a person registered
3 under this Act, including but not limited to the imposition of
4 fines not to exceed \$10,000 for each violation and the
5 assessment of costs as provided for in Section 90, for any one
6 or combination of the following causes:

7 (1) Making a material misstatement in furnishing
8 information to the Department.

9 (2) Violating a provision of this Act or rules adopted
10 under this Act.

11 (3) 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 that is
17 (i) a felony or (ii) a misdemeanor, an essential element of
18 which is dishonesty, or that is directly related to the
19 practice of the profession.

20 (4) Fraud or misrepresentation in applying for,
21 renewing, restoring, reinstating, or procuring a
22 registration under this Act.

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

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

1 (7) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public, as defined by rule of the
4 Department.

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

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

25 (10) A finding by the Department that the registrant,
26 after having his or her registration placed on probationary

1 status, has violated the terms of probation.

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

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

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

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

16 (15) (Blank).

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

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

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

6 (19) Gross malpractice.

7 (20) Immoral conduct in the commission of an act
8 related to the registrant's practice, including but not
9 limited to sexual abuse, sexual misconduct, or sexual
10 exploitation.

11 (21) Violation of the Health Care Worker Self-Referral
12 Act.

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

22 (c) The determination by a circuit court that a registrant
23 is subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code operates as an automatic suspension. The suspension will
26 end only upon (1) a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission,
2 (2) issuance of an order so finding and discharging the
3 patient, and (3) filing of a petition for restoration
4 demonstrating fitness to practice.

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

12 (e) In cases where the Department of Healthcare and Family
13 Services has previously determined a registrant or a potential
14 registrant 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 registration or may take
18 other disciplinary action against that person based solely upon
19 the certification of delinquency made by the Department of
20 Healthcare and Family Services in accordance with paragraph (5)
21 of subsection (a) of Section 2105-15 of the Department of
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois.

24 (f) In enforcing this Section, the Department, upon a
25 showing of a possible violation, may compel any individual
26 registered under this Act or any individual who has applied for

1 registration to submit to a mental or physical examination and
2 evaluation, or both, that may include a substance abuse or
3 sexual offender evaluation, at the expense of the Department.
4 The Department shall specifically designate the examining
5 physician licensed to practice medicine in all of its branches
6 or, if applicable, the multidisciplinary team involved in
7 providing the mental or physical examination and evaluation, or
8 both. The multidisciplinary team shall be led by a physician
9 licensed to practice medicine in all of its branches and may
10 consist of one or more or a combination of physicians licensed
11 to practice medicine in all of its branches, licensed
12 chiropractic physicians, licensed clinical psychologists,
13 licensed clinical social workers, licensed clinical
14 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 registrant or applicant, including testimony
4 concerning any supplemental testing or documents relating to
5 the examination and evaluation. No information, report,
6 record, or other documents in any way related to the
7 examination and evaluation shall be excluded by reason of any
8 common law or statutory privilege relating to communication
9 between the registrant or applicant and the examining physician
10 or any member of the multidisciplinary team. No authorization
11 is necessary from the registrant or applicant ordered to
12 undergo an evaluation and examination for the examining
13 physician or any member of the multidisciplinary team to
14 provide information, reports, records, or other documents or to
15 provide any testimony regarding the examination and
16 evaluation. The individual to be examined may have, at his or
17 her own expense, another physician of his or her choice present
18 during all aspects of the examination.

19 Failure of any individual to submit to mental or physical
20 examination and evaluation, or both, when directed, shall
21 result in an automatic suspension without a hearing until such
22 time as the individual submits to the examination. If the
23 Department finds a registrant unable to practice because of the
24 reasons set forth in this Section, the Department shall require
25 such registrant to submit to care, counseling, or treatment by
26 physicians approved or designated by the Department as a

1 condition for continued, reinstated, or renewed registration.

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

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

16 (g) All fines imposed under this Section shall be paid
17 within 60 days after the effective date of the order imposing
18 the fine or in accordance with the terms set forth in the order
19 imposing the fine.

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

21 Section 90. The Genetic Counselor Licensing Act is amended
22 by changing Section 95 as follows:

23 (225 ILCS 135/95)

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

1 Sec. 95. Grounds for discipline.

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

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

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

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

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

24 (5) Negligence in the rendering of genetic counseling
25 services.

26 (6) Failure to provide genetic testing results and any

1 requested information to a referring physician licensed to
2 practice medicine in all its branches, advanced practice
3 nurse, or physician assistant.

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

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

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

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

15 (10.5) Failure to maintain client records of services
16 provided and provide copies to clients upon request.

17 (11) Exploiting a client for personal advantage,
18 profit, or interest.

19 (12) Habitual or excessive use or addiction to alcohol,
20 narcotics, stimulants, or any other chemical agent or drug
21 which results in inability to practice with reasonable
22 skill, judgment, or safety.

23 (13) Discipline by another governmental agency or unit
24 of government, by any jurisdiction of the United States, or
25 by a foreign nation, if at least one of the grounds for the
26 discipline is the same or substantially equivalent to those

1 set forth in this Section.

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

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

20 (16) Failing to refer a client to other health care
21 professionals when the licensee is unable or unwilling to
22 adequately support or serve the client.

23 (17) Willfully filing false reports relating to a
24 licensee's practice, including but not limited to false
25 records filed with federal or State agencies or
26 departments.

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

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

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

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

18 (22) Failure to file a return, or to pay the tax,
19 penalty of interest shown in a filed return, or to pay any
20 final assessment of tax, penalty or interest, as required
21 by any tax Act administered by the Illinois Department of
22 Revenue or any successor agency or the Internal Revenue
23 Service or any successor agency.

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

1 (24) Practicing or attempting to practice under a name
2 other than the full name as shown on the license or any
3 other legally authorized name.

4 (25) Gross overcharging for professional services,
5 including filing statements for collection of fees or
6 monies for which services are not rendered.

7 (26) Providing genetic counseling services to
8 individuals, couples, groups, or families without a
9 referral from either a physician licensed to practice
10 medicine in all its branches, a licensed advanced practice
11 nurse, or a licensed physician assistant.

12 (27) Charging for professional services not rendered,
13 including filing false statements for the collection of
14 fees for which services are not rendered.

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

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

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

1 result in an automatic suspension of his or her license. The
2 suspension will end upon a finding by a court that the licensee
3 is no longer subject to involuntary admission or judicial
4 admission, the issuance of an order so finding and discharging
5 the patient, and the determination of the Secretary that the
6 licensee be allowed to resume professional practice.

7 (d) The Department may refuse to issue or renew or may
8 suspend without hearing the license of any person who fails to
9 file a return, to pay the tax penalty or interest shown in a
10 filed return, or to pay any final assessment of the tax,
11 penalty, or interest as required by any Act regarding the
12 payment of taxes administered by the Illinois Department of
13 Revenue until the requirements of the Act are satisfied in
14 accordance with subsection (g) of Section 2105-15 of the Civil
15 Administrative Code of Illinois.

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

1 of Illinois.

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

6 (Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15.)

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

9 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

11 Sec. 22. Refusal, suspension and revocation of licenses;
12 causes.

13 (a) The Department may, singularly or in combination,
14 refuse to issue, renew or restore, or may suspend, revoke,
15 place on probation, or take other disciplinary or
16 non-disciplinary action as deemed appropriate, including, but
17 not limited to, the imposition of fines not to exceed \$10,000
18 for each violation, as the Department may deem proper, with
19 regard to a license for any one or combination of the following
20 causes:

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

23 (2) negligence, incompetence or misconduct in the
24 practice of architecture;

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

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

5 (5) purposefully making false statements or signing
6 false statements, certificates or affidavits to induce
7 payment;

8 (6) conviction of or plea of guilty or nolo contendere
9 to any crime that is a felony under the laws of the United
10 States or any state or territory thereof or that is a
11 misdemeanor, an essential element of which is dishonesty,
12 or any crime that is directly related to the practice of
13 the profession of architecture;

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

16 (8) signing, affixing the architect's seal or
17 permitting the architect's seal to be affixed to any
18 technical submission not prepared by the architect or under
19 that architect's responsible control;

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

23 (10) habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug
25 that results in the inability to practice with reasonable
26 judgment, skill, or safety;

1 (11) making a statement of compliance pursuant to the
2 Environmental Barriers Act that technical submissions
3 prepared by the architect or prepared under the architect's
4 responsible control for construction or alteration of an
5 occupancy required to be in compliance with the
6 Environmental Barriers Act are in compliance with the
7 Environmental Barriers Act when such technical submissions
8 are not in compliance;

9 (12) a finding by the Board that an applicant or
10 registrant has failed to pay a fine imposed by the
11 Department or a registrant, whose license has been placed
12 on probationary status, has violated the terms of
13 probation;

14 (13) discipline by another state, territory, foreign
15 country, the District of Columbia, the United States
16 government, or any other governmental agency, if at least
17 one of the grounds for discipline is the same or
18 substantially equivalent to those set forth herein;

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

22 (15) physical illness, including, but not limited to,
23 deterioration through the aging process or loss of motor
24 skill, mental illness, or disability which results in the
25 inability to practice the profession with reasonable
26 judgment, skill, and safety, including without limitation

1 deterioration through the aging process, mental illness,
2 or disability.

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 licensee is
14 subject to involuntary admission or judicial admission, as
15 provided in the Mental Health and Developmental Disabilities
16 Code, operates as an automatic suspension. Such suspension will
17 end only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission,
19 the issuance of an order so finding and discharging the
20 patient, and the recommendation of the Board to the Secretary
21 that the licensee be allowed to resume practice.

22 (c) (Blank) ~~The Department shall deny a license or renewal~~
23 ~~authorized by this Act to a person who has defaulted on an~~
24 ~~educational loan or scholarship provided or guaranteed by the~~
25 ~~Illinois Student Assistance Commission or any governmental~~
26 ~~agency of this State in accordance with subdivision (a) (5) of~~

1 ~~Section 2105-15 of the Department of Professional Regulation~~
2 ~~Law of the Civil Administrative Code of Illinois.~~

3 (d) In cases where the Department of Healthcare and Family
4 Services (formerly the Department of Public Aid) has previously
5 determined that a licensee or a potential licensee is more than
6 30 days delinquent in the payment of child support and has
7 subsequently certified the delinquency to the Department, the
8 Department shall refuse to issue or renew or shall revoke or
9 suspend that person's license or shall take other disciplinary
10 action against that person based solely upon the certification
11 of delinquency made by the Department of Healthcare and Family
12 Services in accordance with subdivision (a)(5) of Section
13 2105-15 of the Department of Professional Regulation Law of the
14 Civil Administrative Code of Illinois.

15 (e) The Department shall deny a license or renewal
16 authorized by this Act to a person who has failed to file a
17 return, to pay the tax, penalty, or interest shown in a filed
18 return, or to pay any final assessment of tax, penalty, or
19 interest as required by any tax Act administered by the
20 Department of Revenue, until such time as the requirements of
21 the tax Act are satisfied in accordance with subsection (g) of
22 Section 2105-15 of the Department of Professional Regulation
23 Law of the Civil Administrative Code of Illinois.

24 (f) Persons who assist the Department as consultants or
25 expert witnesses in the investigation or prosecution of alleged
26 violations of the Act, licensure matters, restoration

1 proceedings, or criminal prosecutions, shall not be liable for
2 damages in any civil action or proceeding as a result of such
3 assistance, except upon proof of actual malice. The attorney
4 general shall defend such persons in any such action or
5 proceeding.

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

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

9 (225 ILCS 310/13) (from Ch. 111, par. 8213)

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

11 Sec. 13. Refusal, revocation or suspension of
12 registration. The Department may refuse to issue, renew, or
13 restore or may revoke, suspend, place on probation, reprimand
14 or take other disciplinary action as the Department may deem
15 proper, including fines not to exceed \$5,000 for each
16 violation, with regard to any registration for any one or
17 combination of the following causes:

18 (a) Fraud in procuring the certificate of
19 registration.

20 (b) Habitual intoxication or addiction to the use of
21 drugs.

22 (c) Making any misrepresentations or false promises,
23 directly or indirectly, to influence, persuade, or induce
24 patronage.

1 (d) Professional connection or association with, or
2 lending his or her name, to another for illegal use of the
3 title "registered interior designer", or professional
4 connection or association with any person, firm, or
5 corporation holding itself out in any manner contrary to
6 this Act.

7 (e) Obtaining or seeking to obtain checks, money, or
8 any other items of value by false or fraudulent
9 representations.

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

12 (g) Improper, unprofessional, or dishonorable conduct
13 of a character likely to deceive, defraud, or harm the
14 public.

15 (h) Conviction in this or another state, or federal
16 court, of any crime which is a felony, if the Department
17 determines, after investigation, that such person has not
18 been sufficiently rehabilitated to warrant the public
19 trust.

20 (i) A violation of any provision of this Act or its
21 rules.

22 (j) Revocation by another state, the District of
23 Columbia, territory, or foreign nation of an interior
24 design or residential interior design registration if at
25 least one of the grounds for that revocation is the same as
26 or the equivalent of one of the grounds for revocation set

1 forth in this Act.

2 (k) Mental incompetence as declared by a court of
3 competent jurisdiction.

4 (l) Being named as a perpetrator in an indicated report
5 by the Department of Children and Family Services pursuant
6 to the Abused and Neglected Child Reporting Act, and upon
7 proof by clear and convincing evidence that the registrant
8 has caused a child to be an abused child or neglected child
9 as defined in the Abused and Neglected Child Reporting Act.

10 ~~The Department shall deny a registration or renewal~~
11 ~~authorized by this Act to any person who has defaulted on an~~
12 ~~educational loan guaranteed by the Illinois Student Assistance~~
13 ~~Commission; however, the Department may issue a certificate of~~
14 ~~registration or renewal if such person has established a~~
15 ~~satisfactory repayment record as determined by the Illinois~~
16 ~~Student Assistance Commission.~~

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

24 The entry of a decree by any circuit court establishing
25 that any person holding a certificate of registration under
26 this Act is a person subject to involuntary admission under the

1 Mental Health and Developmental Disabilities Code shall
2 operate as a suspension of that registration. That person may
3 resume using the title "registered interior designer" only upon
4 a finding by the Board that he or she has been determined to be
5 no longer subject to involuntary admission by the court and
6 upon the Board's recommendation to the Director that he or she
7 be permitted to resume using the title "registered interior
8 designer".

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

10 Section 105. The Professional Engineering Practice Act of
11 1989 is amended by changing Section 24 as follows:

12 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

14 Sec. 24. Rules of professional conduct; disciplinary or
15 administrative action.

16 (a) The Department shall adopt rules setting standards of
17 professional conduct and establish appropriate penalties for
18 the breach of such rules.

19 (a-1) The Department may, singularly or in combination,
20 refuse to issue, renew, or restore a license or may revoke,
21 suspend, place on probation, reprimand, or take other
22 disciplinary or non-disciplinary action with regard to a person
23 licensed under this Act, including but not limited to, the
24 imposition of a fine not to exceed \$10,000 per violation upon

1 any person, corporation, partnership, or professional design
2 firm licensed or registered under this Act, for any one or
3 combination of the following causes:

4 (1) Material misstatement in furnishing information to
5 the Department.

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

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

13 (4) Making any misrepresentation for the purpose of
14 obtaining, renewing, or restoring a license or violating
15 any provision of this Act or the rules promulgated under
16 this Act pertaining to advertising.

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

19 (6) Negligence, incompetence or misconduct in the
20 practice of professional engineering as a licensed
21 professional engineer or in working as an engineer intern.

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

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

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

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

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

14 (12) Directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership or association
16 any fee, commission, rebate or other form of compensation
17 for any professional services not actually or personally
18 rendered.

19 (13) A finding by the Department that an applicant or
20 registrant has failed to pay a fine imposed by the
21 Department, a registrant whose license has been placed on
22 probationary status has violated the terms of probation, or
23 a registrant has practiced on an expired, inactive,
24 suspended, or revoked license.

25 (14) Signing, affixing the professional engineer's
26 seal or permitting the professional engineer's seal to be

1 affixed to any technical submissions not prepared as
2 required by Section 14 or completely reviewed by the
3 professional engineer or under the professional engineer's
4 direct supervision.

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

9 (16) The making of a statement pursuant to the
10 Environmental Barriers Act that a plan for construction or
11 alteration of a public facility or for construction of a
12 multi-story housing unit is in compliance with the
13 Environmental Barriers Act when such plan is not in
14 compliance.

15 (17) (Blank).

16 (a-2) The Department shall deny a license or renewal
17 authorized by this Act to a person who has failed to file a
18 return, to pay the tax, penalty, or interest shown in a filed
19 return, or to pay any final assessment of tax, penalty, or
20 interest as required by any tax Act administered by the
21 Department of Revenue, until such time as the requirements of
22 the tax Act are satisfied in accordance with subsection (g) of
23 Section 2105-15 of the Department of Professional Regulation
24 Law of the Civil Administrative Code of Illinois (20 ILCS
25 2105/2105-15).

26 (a-3) (Blank) ~~The Department shall deny a license or~~

1 ~~renewal authorized by this Act to a person who has defaulted on~~
2 ~~an educational loan or scholarship provided or guaranteed by~~
3 ~~the Illinois Student Assistance Commission or any governmental~~
4 ~~agency of this State in accordance with subdivision (a) (5) 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-4) In cases where the Department of Healthcare and
9 Family Services (formerly the Department of Public Aid) has
10 previously determined that a licensee or a potential licensee
11 is more than 30 days delinquent in the payment of child support
12 and has subsequently certified the delinquency to the
13 Department, the Department shall refuse to issue or renew or
14 shall revoke or suspend that person's license or shall take
15 other disciplinary action against that person based solely upon
16 the certification of delinquency made by the Department of
17 Healthcare and Family Services in accordance with subdivision
18 (a) (5) of Section 2105-15 of the Department of Professional
19 Regulation Law of the Civil Administrative Code of Illinois (20
20 ILCS 2105/2105-15).

21 (a-5) In enforcing this Section, the Department or Board,
22 upon a showing of a possible violation, may order a licensee or
23 applicant to submit to a mental or physical examination, or
24 both, at the expense of the Department. The Department or Board
25 may order the examining physician to present testimony
26 concerning his or her examination of the licensee or applicant.

1 No information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physicians shall be specifically designated by the
5 Board or Department. The licensee or applicant may have, at his
6 or her own expense, another physician of his or her choice
7 present during all aspects of the examination. Failure of a
8 licensee or applicant to submit to any such examination when
9 directed, without reasonable cause as defined by rule, shall be
10 grounds for either the immediate suspension of his or her
11 license or immediate denial of his or her application.

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

17 If the Secretary otherwise suspends a license pursuant to
18 the results of the licensee's mental or physical examination, a
19 hearing must be convened by the Department within 15 days after
20 the suspension and completed without appreciable delay. The
21 Department and Board shall have the authority to review the
22 licensee's record of treatment and counseling regarding the
23 relevant impairment or impairments to the extent permitted by
24 applicable federal statutes and regulations safeguarding the
25 confidentiality of medical records.

26 Any licensee suspended under this subsection (a-5) shall be

1 afforded an opportunity to demonstrate to the Department or
2 Board that he or she can resume practice in compliance with the
3 acceptable and prevailing standards under the provisions of his
4 or her license.

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

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

16 Section 110. The Illinois Professional Land Surveyor Act of
17 1989 is amended by changing Section 27 as follows:

18 (225 ILCS 330/27) (from Ch. 111, par. 3277)

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

20 Sec. 27. Grounds for disciplinary action.

21 (a) The Department may refuse to issue or renew a license,
22 or may place on probation or administrative supervision,
23 suspend, or revoke any license, or may reprimand or take any
24 disciplinary or non-disciplinary action as the Department may

1 deem proper, including the imposition of fines not to exceed
2 \$10,000 per violation, upon any person, corporation,
3 partnership, or professional land surveying firm licensed or
4 registered under this Act for any of the following reasons:

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

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

9 (3) conviction of, or entry of a plea of guilty or nolo
10 contendere to, any crime that is a felony under the laws of
11 the United States or any state or territory thereof or that
12 is a misdemeanor of which an essential element is
13 dishonesty, or any crime that is directly related to the
14 practice of the profession;

15 (4) making any misrepresentation for the purpose of
16 obtaining a license, or in applying for restoration or
17 renewal, or the practice of any fraud or deceit in taking
18 any examination to qualify for licensure under this Act;

19 (5) purposefully making false statements or signing
20 false statements, certificates, or affidavits to induce
21 payment;

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

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

26 (8) failing to provide information in response to a

1 written request made by the Department within 30 days after
2 receipt of such written request;

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

6 (10) inability to practice with reasonable judgment,
7 skill, or safety as a result of habitual or excessive use
8 of, or addiction to, alcohol, narcotics, stimulants or any
9 other chemical agent or drug;

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

15 (12) directly or indirectly giving to or receiving from
16 any person, firm, corporation, partnership, or association
17 any fee, commission, rebate, or other form of compensation
18 for any professional services not actually or personally
19 rendered;

20 (12.5) issuing a map or plat of survey where the fee
21 for professional services is contingent on a real estate
22 transaction closing;

23 (13) a finding by the Department that an applicant or
24 licensee has failed to pay a fine imposed by the Department
25 or a licensee whose license has been placed on probationary
26 status has violated the terms of probation;

1 (14) practicing on an expired, inactive, suspended, or
2 revoked license;

3 (15) signing, affixing the Professional Land
4 Surveyor's seal or permitting the Professional Land
5 Surveyor's seal to be affixed to any map or plat of survey
6 not prepared by the Professional Land Surveyor or under the
7 Professional Land Surveyor's direct supervision and
8 control;

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

14 (17) (blank); or

15 (18) failure to adequately supervise or control land
16 surveying operations being performed by subordinates.

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

1 between the licensee or applicant and the examining physician.
2 The examining physicians shall be specifically designated by
3 the Board or Department. The individual to be examined may
4 have, at his or her own expense, another physician of his or
5 her choice present during all aspects of the examination.
6 Failure of an individual to submit to a mental or physical
7 examination when directed shall be grounds for the immediate
8 suspension of his or her license until the individual submits
9 to the examination if the Department finds that the refusal to
10 submit to the examination was without reasonable cause as
11 defined by rule.

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

17 If the Secretary otherwise suspends a person's license
18 pursuant to the results of a compelled mental or physical
19 examination, a hearing on that person's license must be
20 convened by the Department within 15 days after the suspension
21 and completed without appreciable delay. The Department and
22 Board shall have the authority to review the subject
23 individual's record of treatment and counseling regarding
24 impairment to the extent permitted by applicable federal
25 statutes and regulations safeguarding the confidentiality of
26 medical records.

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

6 (b) 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, as now or hereafter amended, operates as an automatic
10 license suspension. Such suspension will end only upon a
11 finding by a court that the patient is no longer subject to
12 involuntary admission or judicial admission and the issuance of
13 an order so finding and discharging the patient and upon the
14 recommendation of the Board to the Director that the licensee
15 be allowed to resume his or her practice.

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 subdivision (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 the 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 shall refuse to issue or renew or shall revoke or
4 suspend that person's license or shall 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 subdivision (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 shall refuse to issue or renew or shall
11 revoke or suspend a person's license or shall take other
12 disciplinary action against that person for his or her failure
13 to file a return, to pay the tax, penalty, or interest shown in
14 a filed return, or to pay any final assessment of tax, penalty,
15 or interest as required by any tax Act administered by the
16 Department of Revenue, until such time as the requirements of
17 the tax Act are satisfied in accordance with subsection (g) of
18 Section 2105-15 of the Department of Professional Regulation
19 Law of the Civil Administrative Code of Illinois (20 ILCS
20 2105/2105-15).

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

22 Section 115. The Structural Engineering Practice Act of
23 1989 is amended by changing Section 20 as follows:

24 (225 ILCS 340/20) (from Ch. 111, par. 6620)

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

2 Sec. 20. Refusal; revocation; suspension.

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

9 (1) Material misstatement in furnishing information to
10 the Department;

11 (2) Negligence, incompetence or misconduct in the
12 practice of structural engineering;

13 (3) Making any misrepresentation for the purpose of
14 obtaining licensure;

15 (4) The affixing of a licensed structural engineer's
16 seal to any plans, specifications or drawings which have
17 not been prepared by or under the immediate personal
18 supervision of that licensed structural engineer or
19 reviewed as provided in this Act;

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

26 (6) Making a statement of compliance pursuant to the

1 Environmental Barriers Act, as now or hereafter amended,
2 that a plan for construction or alteration of a public
3 facility or for construction of a multi-story housing unit
4 is in compliance with the Environmental Barriers Act when
5 such plan is not in compliance;

6 (7) Failure to comply with any of the provisions of
7 this Act or its rules;

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

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

13 (10) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 that results in the inability to practice with reasonable
16 judgment, skill, or safety;

17 (11) Failure of an applicant or licensee to pay a fine
18 imposed by the Department or a licensee whose license has
19 been placed on probationary status has violated the terms
20 of probation;

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

1 (13) 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; or

4 (14) 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 of structural
8 engineering with reasonable judgment, skill, or safety.

9 (a-5) In enforcing this Section, the Department or Board,
10 upon a showing of a possible violation, may order a licensee or
11 applicant to submit to a mental or physical examination, or
12 both, at the expense of the Department. The Department or Board
13 may order the examining physician to present testimony
14 concerning his or her examination of the licensee or applicant.
15 No 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 licensee or applicant may have, at his
20 or her own expense, another physician of his or her choice
21 present during all aspects of the examination. Failure of a
22 licensee or applicant to submit to any such examination when
23 directed, without reasonable cause as defined by rule, shall be
24 grounds for either the immediate suspension of his or her
25 license or immediate denial of his or her application.

26 If the Secretary immediately suspends the license of a

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

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

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

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

1 that the licensee be allowed to resume practice.

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

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

21 (e) The Department shall deny a license or renewal
22 authorized by this Act to a person who has failed to file a
23 return, to pay the tax, penalty, or interest shown in a filed
24 return, or to pay any final assessment of tax, penalty, or
25 interest as required by any tax Act administered by the
26 Department of Revenue, until such time as 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 (f) Persons who assist the Department as consultants or
5 expert witnesses in the investigation or prosecution of alleged
6 violations of the Act, licensure matters, restoration
7 proceedings, or criminal prosecutions, are not liable for
8 damages in any civil action or proceeding as a result of such
9 assistance, except upon proof of actual malice. The Attorney
10 General of the State of Illinois shall defend such persons in
11 any such action or proceeding.

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

13 Section 120. The Auction License Act is amended by changing
14 Section 20-20 as follows:

15 (225 ILCS 407/20-20)

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

17 Sec. 20-20. Termination without hearing for failure to pay
18 taxes or ~~7~~ child support, ~~or a student loan~~. The Department may
19 terminate or otherwise discipline any license issued under this
20 Act without hearing if the appropriate administering agency
21 provides adequate information and proof that the licensee has:

22 (1) failed to file a return, to pay the tax, penalty,
23 or interest shown in a filed return, or to pay any final
24 assessment of tax, penalty, or interest, as required by any

1 tax act administered by the Illinois Department of Revenue
2 until the requirements of the tax act are satisfied;

3 (2) failed to pay any court ordered child support as
4 determined by a court order or by referral from the
5 Department of Healthcare and Family Services (formerly
6 Illinois Department of Public Aid); or

7 (3) (blank) ~~failed to repay any student loan or~~
8 ~~assistance as determined by the Illinois Student~~
9 ~~Assistance Commission.~~

10 If a license is terminated or otherwise disciplined
11 pursuant to this Section, the licensee may request a hearing as
12 provided by this Act within 30 days of notice of termination or
13 discipline.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-572, eff. 6-1-08.)

15 Section 125. The Barber, Cosmetology, Esthetics, Hair
16 Braiding, and Nail Technology Act of 1985 is amended by
17 changing Section 4-7 as follows:

18 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 4-7. Refusal, suspension and revocation of licenses;
21 causes; disciplinary action.

22 (1) The Department may refuse to issue or renew, and may
23 suspend, revoke, place on probation, reprimand or take any
24 other disciplinary or non-disciplinary action as the

1 Department may deem proper, including civil penalties not to
2 exceed \$500 for each violation, with regard to any license for
3 any one, or any combination, of the following causes:

4 a. Conviction of any crime under the laws of the United
5 States or any state or territory thereof that is (i) a
6 felony, (ii) a misdemeanor, an essential element of which
7 is dishonesty, or (iii) a crime which is related to the
8 practice of the profession.

9 b. Conviction of any of the violations listed in
10 Section 4-20.

11 c. Material misstatement in furnishing information to
12 the Department.

13 d. Making any misrepresentation for the purpose of
14 obtaining a license or violating any provision of this Act
15 or its rules.

16 e. Aiding or assisting another person in violating any
17 provision of this Act or its rules.

18 f. Failing, within 60 days, to provide information in
19 response to a written request made by the Department.

20 g. Discipline by another state, territory, or country
21 if at least one of the grounds for the discipline is the
22 same as or substantially equivalent to those set forth in
23 this Act.

24 h. Practice in the barber, nail technology, esthetics,
25 hair braiding, or cosmetology profession, or an attempt to
26 practice in those professions, by fraudulent

1 misrepresentation.

2 i. Gross malpractice or gross incompetency.

3 j. Continued practice by a person knowingly having an
4 infectious or contagious disease.

5 k. Solicitation of professional services by using
6 false or misleading advertising.

7 l. A finding by the Department that the licensee, after
8 having his or her license placed on probationary status,
9 has violated the terms of probation.

10 m. 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 n. Violating any of the provisions of this Act or rules
16 adopted pursuant to this Act.

17 o. Willfully making or filing false records or reports
18 relating to a licensee's practice, including but not
19 limited to, false records filed with State agencies or
20 departments.

21 p. Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 that results in the inability to practice with reasonable
24 judgment, skill or safety.

25 q. Engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public as may be defined by rules of
2 the Department, or violating the rules of professional
3 conduct which may be adopted by the Department.

4 r. Permitting any person to use for any unlawful or
5 fraudulent purpose one's diploma or license or certificate
6 of registration as a cosmetologist, nail technician,
7 esthetician, hair braider, or barber or cosmetology, nail
8 technology, esthetics, hair braiding, or barber teacher or
9 salon or shop or cosmetology clinic teacher.

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

16 t. Operating a salon or shop without a valid
17 registration.

18 u. Failure to complete required continuing education
19 hours.

20 (2) In rendering an order, the Secretary shall take into
21 consideration the facts and circumstances involving the type of
22 acts or omissions in paragraph (1) of this Section including,
23 but not limited to:

24 (a) the extent to which public confidence in the
25 cosmetology, nail technology, esthetics, hair braiding, or
26 barbering profession was, might have been, or may be,

1 injured;

2 (b) the degree of trust and dependence among the
3 involved parties;

4 (c) the character and degree of harm which did result
5 or might have resulted;

6 (d) the intent or mental state of the licensee at the
7 time of the acts or omissions.

8 (3) The Department may reissue the license or registration
9 upon certification by the Board that the disciplined licensee
10 or registrant has complied with all of the terms and conditions
11 set forth in the final order or has been sufficiently
12 rehabilitated to warrant the public trust.

13 (4) The Department shall refuse to issue or renew or
14 suspend without hearing the license or certificate of
15 registration of any person who fails to file a return, or to
16 pay the tax, penalty or interest shown in a filed return, or to
17 pay any final assessment of tax, penalty or interest, as
18 required by any tax Act administered by the Illinois Department
19 of Revenue, until such time as the requirements of any such tax
20 Act are satisfied as determined by the Department of Revenue.

21 (5) (Blank). ~~The Department shall deny without hearing any~~
22 ~~application for a license or renewal of a license under this~~
23 ~~Act by a person who has defaulted on an educational loan~~
24 ~~guaranteed by the Illinois Student Assistance Commission;~~
25 ~~however, the Department may issue or renew a license if the~~
26 ~~person in default has established a satisfactory repayment~~

1 ~~record as determined by the Illinois Student Assistance~~
2 ~~Commission.~~

3 (6) All fines imposed under this Section shall be paid
4 within 60 days after the effective date of the order imposing
5 the fine or in accordance with the terms set forth in the order
6 imposing the fine.

7 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

8 Section 130. The Electrologist Licensing Act is amended by
9 changing Section 75 as follows:

10 (225 ILCS 412/75)

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

12 Sec. 75. Grounds for discipline.

13 (a) The Department may refuse to issue or renew and may
14 revoke or suspend a license under this Act, and may place on
15 probation, reprimand, or take other disciplinary or
16 non-disciplinary action with regard to any licensee under this
17 Act, as the Department may consider appropriate, including
18 imposing fines not to exceed \$10,000 for each violation and
19 assess costs as provided for under Section 95 of this Act, for
20 one or any combination of the following causes:

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

23 (2) Violation of this Act or rules adopted under this
24 Act.

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

10 (4) Fraud or 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) Aiding or assisting another person in violating any
14 provision of this Act or its rules.

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

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

20 (8) Habitual or excessive use or abuse of drugs defined
21 in law as controlled substances, alcohol, or any other
22 substance that results in an electrologist's inability to
23 practice with reasonable judgment, skill, or safety.

24 (9) Discipline by another governmental agency, unit of
25 government, U.S. jurisdiction, or foreign nation if at
26 least one of the grounds for discipline is the same as or

1 substantially equivalent to any of those set forth in this
2 Act.

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

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

22 (12) Abandonment of a patient.

23 (13) Willfully making or filing false records or
24 reports in the licensee's practice, including, but not
25 limited to, false records filed with State agencies or
26 departments.

1 (14) Mental or physical illness or disability,
2 including, but not limited to, deterioration through the
3 aging process or loss of motor skill that results in the
4 inability to practice the profession with reasonable
5 judgment, skill, or safety.

6 (15) Negligence in his or her practice under this Act.

7 (16) Use of fraud, deception, or any unlawful means in
8 applying for and securing a license as an electrologist.

9 (17) Immoral conduct in the commission of any act, such
10 as sexual abuse, sexual misconduct, or sexual
11 exploitation, related to the licensee's practice.

12 (18) Failure to comply with standards of sterilization
13 and sanitation as defined in the rules of the Department.

14 (19) Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

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

19 (b) The Department may refuse to issue or renew or may
20 suspend without hearing the license of any person who fails to
21 file a return, to pay the tax, penalty or interest shown in a
22 filed return, or to pay any final assessment of the tax,
23 penalty, or interest as required by any tax Act administered by
24 the Illinois Department of Revenue until 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.

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

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

1 clinical professional counselors, and other professional and
2 administrative staff. Any examining physician or member of the
3 multidisciplinary team may require any person ordered to submit
4 to an examination and evaluation pursuant to this Section to
5 submit to any additional supplemental testing deemed necessary
6 to complete any examination or evaluation process, including,
7 but not limited to, blood testing, urinalysis, psychological
8 testing, or neuropsychological testing.

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

1 team to provide information, reports, records, or other
2 documents or to provide any testimony regarding the examination
3 and evaluation. The individual to be examined may have, at his
4 or her own expense, another physician of his or her choice
5 present during all aspects of the examination.

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

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

24 Individuals licensed under this Act affected under this
25 Section shall be afforded an opportunity to demonstrate to the
26 Department that they can resume practice in compliance with

1 acceptable and prevailing standards under the provisions of
2 their license.

3 (e) (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 Department of Professional~~
9 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

10 (f) 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 Department of
20 Professional Regulation Law of the Civil Administrative Code of
21 Illinois.

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

26 (Source: P.A. 98-363, eff. 8-16-13.)

1 Section 135. The Illinois Certified Shorthand Reporters
2 Act of 1984 is amended by changing Section 23 as follows:

3 (225 ILCS 415/23) (from Ch. 111, par. 6223)

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

5 Sec. 23. Grounds for disciplinary action.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand or take other
8 disciplinary or non-disciplinary action as the Department may
9 deem appropriate, including imposing fines not to exceed
10 \$10,000 for each violation and the assessment of costs as
11 provided for in Section 23.3 of this Act, with regard to any
12 license for any one or combination of the following:

13 (1) Material misstatement in furnishing information to
14 the Department;

15 (2) Violations of this Act, or of the rules promulgated
16 thereunder;

17 (3) 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: (i) that
23 is a felony or (ii) that is a misdemeanor, an essential
24 element of which is dishonesty, or that is directly related

1 to the practice of the profession;

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

5 (5) Professional incompetence;

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

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

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

14 (9) Habitual or excessive use or abuse of drugs defined
15 in law as controlled substances, alcohol, or any other
16 substances that results in the inability to practice with
17 reasonable judgment, skill, or safety;

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

23 (11) Charging for professional services not rendered,
24 including filing false statements for the collection of
25 fees for which services were not rendered, or giving,
26 directly or indirectly, any gift or anything of value to

1 attorneys or their staff or any other persons or entities
2 associated with any litigation, that exceeds \$100 total per
3 year; for the purposes of this Section, pro bono services,
4 as defined by State law, are permissible in any amount;

5 (12) A finding by the Board that the certificate
6 holder, after having his certificate placed on
7 probationary status, has violated the terms of probation;

8 (13) Willfully making or filing false records or
9 reports in the practice of shorthand reporting, including
10 but not limited to false records filed with State agencies
11 or departments;

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

16 (15) Solicitation of professional services other than
17 by permitted advertising;

18 (16) Willful failure to take full and accurate
19 stenographic notes of any proceeding;

20 (17) Willful alteration of any stenographic notes
21 taken at any proceeding;

22 (18) Willful failure to accurately transcribe verbatim
23 any stenographic notes taken at any proceeding;

24 (19) Willful alteration of a transcript of
25 stenographic notes taken at any proceeding;

26 (20) Affixing one's signature to any transcript of his

1 stenographic notes or certifying to its correctness unless
2 the transcript has been prepared by him or under his
3 immediate supervision;

4 (21) Willful failure to systematically retain
5 stenographic notes or transcripts on paper or any
6 electronic media for 10 years from the date that the notes
7 or transcripts were taken;

8 (22) Failure to deliver transcripts in a timely manner
9 or in accordance with contractual agreements;

10 (23) Establishing contingent fees as a basis of
11 compensation;

12 (24) Mental illness or disability that results in the
13 inability to practice under this Act with reasonable
14 judgment, skill, or safety;

15 (25) Practicing under a false or assumed name, except
16 as provided by law;

17 (26) Cheating on or attempting to subvert the licensing
18 examination administered under this Act;

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

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

25 (b) The determination by a circuit court that a certificate
26 holder is subject to involuntary admission or judicial

1 admission as provided in the Mental Health and Developmental
2 Disabilities Code, operates as an automatic suspension. Such
3 suspension will end only upon a finding by a court that the
4 patient is no longer subject to involuntary admission or
5 judicial admission, an order by the court so finding and
6 discharging the patient. In any case where a license is
7 suspended under this Section, the licensee may file a petition
8 for restoration and shall include evidence acceptable to the
9 Department that the licensee can resume practice in compliance
10 with acceptable and prevailing standards of the profession.

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

22 (d) In enforcing this Section, the Department, upon a
23 showing of a possible violation, may compel any individual who
24 is certified under this Act or any individual who has applied
25 for certification under this Act to submit to a mental or
26 physical examination and evaluation, or both, which may include

1 a substance abuse or sexual offender evaluation, at the expense
2 of the Department. The Department shall specifically designate
3 the examining physician licensed to practice medicine in all of
4 its branches or, if applicable, the multidisciplinary team
5 involved in providing the mental or physical examination and
6 evaluation, or both. The multidisciplinary team shall be led by
7 a physician licensed to practice medicine in all of its
8 branches and may consist of one or more or a combination of
9 physicians licensed to practice medicine in all of its
10 branches, licensed chiropractic physicians, licensed clinical
11 psychologists, licensed clinical social workers, licensed
12 clinical professional counselors, and other professional and
13 administrative staff. Any examining physician or member of the
14 multidisciplinary team may require any person ordered to submit
15 to an examination and evaluation pursuant to this Section to
16 submit to any additional supplemental testing deemed necessary
17 to complete any examination or evaluation process, including,
18 but not limited to, blood testing, urinalysis, psychological
19 testing, or neuropsychological testing.

20 The Department may order the examining physician or any
21 member of the multidisciplinary team to provide to the
22 Department any and all records, including business records,
23 that relate to the examination and evaluation, including any
24 supplemental testing performed. The Department may order the
25 examining physician or any member of the multidisciplinary team
26 to present testimony concerning this examination and

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

18 Failure of any individual to submit to mental or physical
19 examination and evaluation, or both, when directed, shall
20 result in an automatic suspension, without hearing, until such
21 time as the individual submits to the examination. If the
22 Department finds a certified shorthand reporter unable to
23 practice because of the reasons set forth in this Section, the
24 Department shall require the certified shorthand reporter to
25 submit to care, counseling, or treatment by physicians approved
26 or designated by the Department, as a condition for continued,

1 reinstated, or renewed certification.

2 When the Secretary immediately suspends a certificate
3 under this Section, a hearing upon the person's certificate
4 must be convened by the Department within 15 days after the
5 suspension and completed without appreciable delay. The
6 Department shall have the authority to review the certified
7 shorthand reporter'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 Individuals certified under this Act, affected under this
12 Section, shall be afforded an opportunity to demonstrate to the
13 Department that they can resume practice in compliance with
14 acceptable and prevailing standards under the provisions of
15 their certification.

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) The Department may refuse to issue or may suspend
24 without hearing, as provided for in the Code of Civil
25 Procedure, the license of any person who fails 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 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied in accordance
5 with subsection (g) of Section 2105-15 of the Civil
6 Administrative Code of Illinois.

7 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

8 Section 140. The Collection Agency Act is amended by
9 changing Section 9 as follows:

10 (225 ILCS 425/9) (from Ch. 111, par. 2012)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 9. Disciplinary actions.

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

19 (1) Material misstatement in furnishing information to
20 the Department.

21 (2) Violations of this Act or of the rules promulgated
22 hereunder.

23 (3) Conviction by plea of guilty or nolo contendere,
24 finding of guilt, jury verdict, or entry of judgment or by

1 sentencing of any crime, including, but not limited to,
2 convictions, preceding sentences of supervision,
3 conditional discharge, or first offender probation of the
4 collection agency or any of the officers or owners of more
5 than 10% interest of the agency of any crime under the laws
6 of any U.S. jurisdiction that (i) is a felony, (ii) is a
7 misdemeanor, an essential element of which is dishonesty,
8 or (iii) is directly related to the practice of a
9 collection agency.

10 (4) Fraud or 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) Aiding or assisting another person in violating any
14 provision of this Act or rules adopted under this Act.

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

17 (7) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants or any other chemical agent or drug
19 which results in the inability to practice with reasonable
20 judgment, skill, or safety by any of the officers or owners
21 of 10% or more interest of a collection agency.

22 (8) Discipline by another state, the District of
23 Columbia, a territory of the United States, or a foreign
24 nation, if at least one of the grounds for the discipline
25 is the same or substantially equivalent to those set forth
26 in this Act.

1 (9) A finding by the Department that the licensee,
2 after having his license placed on probationary status, has
3 violated the terms of probation.

4 (10) Willfully making or filing false records or
5 reports in his or her practice, including, but not limited
6 to, false records filed with State agencies or departments.

7 (11) Practicing or attempting to practice under a false
8 or, except as provided by law, an assumed name.

9 (12) A finding by the Federal Trade Commission that a
10 licensee violated the federal Fair Debt Collection
11 Practices Act or its rules.

12 (13) Failure to file a return, or to pay the tax,
13 penalty or interest shown in a filed return, or to pay any
14 final assessment of tax, penalty or interest, as required
15 by any tax Act administered by the Illinois Department of
16 Revenue until such time as the requirements of any such tax
17 Act are satisfied.

18 (14) Using or threatening to use force or violence to
19 cause physical harm to a debtor, his or her family or his
20 or her property.

21 (15) Threatening to instigate an arrest or criminal
22 prosecution where no basis for a criminal complaint
23 lawfully exists.

24 (16) Threatening the seizure, attachment or sale of a
25 debtor's property where such action can only be taken
26 pursuant to court order without disclosing that prior court

1 proceedings are required.

2 (17) Disclosing or threatening to disclose information
3 adversely affecting a debtor's reputation for credit
4 worthiness with knowledge the information is false.

5 (18) Initiating or threatening to initiate
6 communication with a debtor's employer unless there has
7 been a default of the payment of the obligation for at
8 least 30 days and at least 5 days prior written notice, to
9 the last known address of the debtor, of the intention to
10 communicate with the employer has been given to the
11 employee, except as expressly permitted by law or court
12 order.

13 (19) Communicating with the debtor or any member of
14 the debtor's family at such a time of day or night and with
15 such frequency as to constitute harassment of the debtor or
16 any member of the debtor's family. For purposes of this
17 Section the following conduct shall constitute harassment:

18 (A) Communicating with the debtor or any member of
19 his or her family in connection with the collection of
20 any debt without the prior consent of the debtor given
21 directly to the debt collector, or the express
22 permission of a court of competent jurisdiction, at any
23 unusual time or place or a time or place known or which
24 should be known to be inconvenient to the debtor. In
25 the absence of knowledge of circumstances to the
26 contrary, a debt collector shall assume that the

1 convenient time for communicating with a consumer is
2 after 8 o'clock a.m. and before 9 o'clock p.m. local
3 time at the debtor's location.

4 (B) The threat of publication or publication of a
5 list of consumers who allegedly refuse to pay debts,
6 except to a consumer reporting agency.

7 (C) The threat of advertisement or advertisement
8 for sale of any debt to coerce payment of the debt.

9 (D) Causing a telephone to ring or engaging any
10 person in telephone conversation repeatedly or
11 continuously with intent to annoy, abuse, or harass any
12 person at the called number.

13 (20) Using profane, obscene or abusive language in
14 communicating with a debtor, his or her family or others.

15 (21) Disclosing or threatening to disclose information
16 relating to a debtor's debt to any other person except
17 where such other person has a legitimate business need for
18 the information or except where such disclosure is
19 permitted by law.

20 (22) Disclosing or threatening to disclose information
21 concerning the existence of a debt which the collection
22 agency knows to be disputed by the debtor without
23 disclosing the fact that the debtor disputes the debt.

24 (23) Engaging in any conduct that is intended to cause
25 and did cause mental or physical illness to the debtor or
26 his or her family.

1 (24) Attempting or threatening to enforce a right or
2 remedy with knowledge or reason to know that the right or
3 remedy does not exist.

4 (25) Failing to disclose to the debtor or his or her
5 family the corporate, partnership or proprietary name, or
6 other trade or business name, under which the collection
7 agency is engaging in debt collections and which he or she
8 is legally authorized to use.

9 (26) Using any form of communication which simulates
10 legal or judicial process or which gives the appearance of
11 being authorized, issued or approved by a governmental
12 agency or official or by an attorney at law when it is not.

13 (27) Using any badge, uniform, or other indicia of any
14 governmental agency or official except as authorized by
15 law.

16 (28) Conducting business under any name or in any
17 manner which suggests or implies that the collection agency
18 is a branch of or is affiliated in any way with a
19 governmental agency or court if such collection agency is
20 not.

21 (29) Failing to disclose, at the time of making any
22 demand for payment, the name of the person to whom the debt
23 is owed and at the request of the debtor, the address where
24 payment is to be made and the address of the person to whom
25 the debt is owed.

26 (30) Misrepresenting the amount of the debt alleged to

1 be owed.

2 (31) Representing that an existing debt may be
3 increased by the addition of attorney's fees,
4 investigation fees or any other fees or charges when such
5 fees or charges may not legally be added to the existing
6 debt.

7 (32) Representing that the collection agency is an
8 attorney at law or an agent for an attorney if he or she is
9 not.

10 (33) Collecting or attempting to collect any interest
11 or other charge or fee in excess of the actual debt unless
12 such interest or other charge or fee is expressly
13 authorized by the agreement creating the debt unless
14 expressly authorized by law or unless in a commercial
15 transaction such interest or other charge or fee is
16 expressly authorized in a subsequent agreement. If a
17 contingency or hourly fee arrangement (i) is established
18 under an agreement between a collection agency and a
19 creditor to collect a debt and (ii) is paid by a debtor
20 pursuant to a contract between the debtor and the creditor,
21 then that fee arrangement does not violate this Section
22 unless the fee is unreasonable. The Department shall
23 determine what constitutes a reasonable collection fee.

24 (34) Communicating or threatening to communicate with
25 a debtor when the collection agency is informed in writing
26 by an attorney that the attorney represents the debtor

1 concerning the debt. If the attorney fails to respond
2 within a reasonable period of time, the collector may
3 communicate with the debtor. The collector may communicate
4 with the debtor when the attorney gives his or her consent.

5 (35) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 (b) ~~The Department shall deny any license or renewal~~
9 ~~authorized by this Act to any person who has defaulted on an~~
10 ~~educational loan guaranteed by the Illinois State Scholarship~~
11 ~~Commission; however, the Department may issue a license or~~
12 ~~renewal if the person in default has established a satisfactory~~
13 ~~repayment record as determined by the Illinois State~~
14 ~~Scholarship Commission.~~ No collection agency while collecting
15 or attempting to collect a debt shall engage in any of the Acts
16 specified in this Section, each of which shall be unlawful
17 practice.

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

19 Section 145. The Community Association Manager Licensing
20 and Disciplinary Act is amended by changing Section 85 as
21 follows:

22 (225 ILCS 427/85)

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

24 Sec. 85. Grounds for discipline; refusal, revocation, or

1 suspension.

2 (a) The Department may refuse to issue or renew a license,
3 or may place on probation, reprimand, suspend, or revoke any
4 license, or take any other disciplinary or non-disciplinary
5 action as the Department may deem proper and impose a fine not
6 to exceed \$10,000 for each violation upon any licensee or
7 applicant under this Act or any person or entity who holds
8 himself, herself, or itself out as an applicant or licensee for
9 any one or combination of the following causes:

10 (1) Material misstatement in furnishing information to
11 the Department.

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

13 (3) Conviction of or entry of a plea of guilty or plea
14 of nolo contendere to a felony or a misdemeanor under the
15 laws of the United States, any state, or any other
16 jurisdiction or entry of an administrative sanction by a
17 government agency in this State or any other jurisdiction.
18 Action taken under this paragraph (3) for a misdemeanor or
19 an administrative sanction is limited to a misdemeanor or
20 administrative sanction that has as an essential element
21 dishonesty or fraud, that involves larceny, embezzlement,
22 or obtaining money, property, or credit by false pretenses
23 or by means of a confidence game, or that is directly
24 related to the practice of the profession.

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

1 or its rules.

2 (5) Professional incompetence.

3 (6) Gross negligence.

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

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

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

13 (10) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 that results in the inability to practice with reasonable
16 judgment, skill, or safety.

17 (11) Having been disciplined by another state, the
18 District of Columbia, a territory, a foreign nation, or a
19 governmental agency authorized to impose discipline if at
20 least one of the grounds for the discipline is the same or
21 substantially equivalent of one of the grounds for which a
22 licensee may be disciplined under this Act. A certified
23 copy of the record of the action by the other state or
24 jurisdiction shall be prima facie evidence thereof.

25 (12) Directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership or association

1 any fee, commission, rebate, or other form of compensation
2 for any professional services not actually or personally
3 rendered.

4 (13) A finding by the Department that the licensee,
5 after having his, her, or its license placed on
6 probationary status, has violated the terms of probation.

7 (14) Willfully making or filing false records or
8 reports relating to a licensee's practice, including but
9 not limited to false records filed with any State or
10 federal agencies or departments.

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

17 (16) Physical illness or mental illness or impairment,
18 including, but not limited to, deterioration through the
19 aging process or loss of motor skill that results in the
20 inability to practice the profession with reasonable
21 judgment, skill, or safety.

22 (17) Solicitation of professional services by using
23 false or misleading advertising.

24 (18) A finding that licensure has been applied for or
25 obtained by fraudulent means.

26 (19) Practicing or attempting to practice under a name

1 other than the full name as shown on the license or any
2 other legally authorized name.

3 (20) Gross overcharging for professional services
4 including, but not limited to, (i) collection of fees or
5 moneys for services that are not rendered; and (ii)
6 charging for services that are not in accordance with the
7 contract between the licensee and the community
8 association.

9 (21) Improper commingling of personal and client funds
10 in violation of this Act or any rules promulgated thereto.

11 (22) Failing to account for or remit any moneys or
12 documents coming into the licensee's possession that
13 belong to another person or entity.

14 (23) Giving differential treatment to a person that is
15 to that person's detriment because of race, color, creed,
16 sex, religion, or national origin.

17 (24) Performing and charging for services without
18 reasonable authorization to do so from the person or entity
19 for whom service is being provided.

20 (25) Failing to make available to the Department, upon
21 request, any books, records, or forms required by this Act.

22 (26) Purporting to be a supervising community
23 association manager of a firm without active participation
24 in the firm.

25 (27) Failing to make available to the Department at the
26 time of the request any indicia of licensure or

1 registration issued under this Act.

2 (28) Failing to maintain and deposit funds belonging to
3 a community association in accordance with subsection (b)
4 of Section 55 of this Act.

5 (29) Violating the terms of a disciplinary order issued
6 by the Department.

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

15 (c) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission, as
17 provided in the Mental Health and Developmental Disabilities
18 Code, operates as an automatic suspension. The suspension will
19 terminate only upon a finding by a court that the patient is no
20 longer subject to involuntary admission or judicial admission
21 and the issuance of an order so finding and discharging the
22 patient, and upon the recommendation of the Board to the
23 Secretary that the licensee be allowed to resume his or her
24 practice as a licensed community association manager.

25 (d) In accordance with subsection (g) of Section 2105-15 of
26 the Department of Professional Regulation Law of the Civil

1 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
2 Department may refuse to issue or renew or may suspend the
3 license of any person who fails to file a return, to pay the
4 tax, penalty, or interest shown in a filed return, or to pay
5 any final assessment of tax, penalty, or interest, as required
6 by any tax Act administered by the Department of Revenue, until
7 such time as the requirements of that tax Act are satisfied.

8 (e) In accordance with subdivision (a)(5) of Section
9 2105-15 of the Department of Professional Regulation Law of the
10 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
11 and in cases where the Department of Healthcare and Family
12 Services (formerly 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 may
16 refuse to issue or renew or may revoke or suspend that person's
17 license or may take other disciplinary action against that
18 person based solely upon the certification of delinquency made
19 by the Department of Healthcare and Family Services.

20 (f) In enforcing this Section, the Department or Board upon
21 a showing of a possible violation may compel a licensee or an
22 individual licensed to practice under this Act, or who has
23 applied for licensure under this Act, to submit to a mental or
24 physical examination, or both, as required by and at the
25 expense of the Department. The Department or Board may order
26 the examining physician to present testimony concerning the

1 mental or physical examination of the licensee or applicant. No
2 information shall be excluded by reason of any common law or
3 statutory privilege relating to communications between the
4 licensee or applicant and the examining physician. The
5 examining physicians shall be specifically designated by the
6 Board or Department. The individual to be examined may have, at
7 his or her own expense, another physician of his or her choice
8 present during all aspects of this examination. Failure of an
9 individual to submit to a mental or physical examination, when
10 directed, shall be grounds for suspension of his or her license
11 or denial of his or her application or renewal until the
12 individual submits to the examination if the Department finds,
13 after notice and hearing, that the refusal to submit to the
14 examination was without reasonable cause.

15 If the Department or Board finds an individual unable to
16 practice because of the reasons set forth in this Section, the
17 Department or Board may require that individual to submit to
18 care, counseling, or treatment by physicians approved or
19 designated by the Department or Board, as a condition, term, or
20 restriction for continued, reinstated, or renewed licensure to
21 practice; or, in lieu of care, counseling, or treatment, the
22 Department may file, or the Board may recommend to the
23 Department to file, a complaint to immediately suspend, revoke,
24 deny, or otherwise discipline the license of the individual. An
25 individual whose license was granted, continued, reinstated,
26 renewed, disciplined or supervised subject to such terms,

1 conditions, or restrictions, and who fails to comply with such
2 terms, conditions, or restrictions, shall be referred to the
3 Secretary for a determination as to whether the individual
4 shall have his or her license suspended immediately, pending a
5 hearing by the Department.

6 In instances in which the Secretary immediately suspends a
7 person's license under this Section, a hearing on that person's
8 license must be convened by the Department within 30 days after
9 the suspension and completed without appreciable delay. The
10 Department and Board shall have the authority to review the
11 subject individual's record of treatment and counseling
12 regarding the impairment to the extent permitted by applicable
13 federal statutes and regulations safeguarding the
14 confidentiality of medical records.

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

20 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
21 98-756, eff. 7-16-14.)

22 Section 150. The Detection of Deception Examiners Act is
23 amended by changing Section 14 as follows:

24 (225 ILCS 430/14) (from Ch. 111, par. 2415)

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

2 Sec. 14. (a) The Department may refuse to issue or renew or
3 may revoke, suspend, place on probation, reprimand, or take
4 other disciplinary or non-disciplinary action as the
5 Department may deem appropriate, including imposing fines not
6 to exceed \$10,000 for each violation, with regard to any
7 license for any one or a combination of the following:

8 (1) Material misstatement in furnishing information to
9 the Department.

10 (2) Violations of this Act, or of the rules adopted
11 under this Act.

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

21 (4) Making any misrepresentation for the purpose of
22 obtaining licensure or violating any provision of this Act
23 or the rules adopted under this Act pertaining to
24 advertising.

25 (5) Professional incompetence.

26 (6) Allowing one's license under this Act to be used by

1 an unlicensed person in violation of this Act.

2 (7) Aiding or assisting another person in violating
3 this Act or any rule adopted under this Act.

4 (8) Where the license holder has been adjudged mentally
5 ill, mentally deficient or subject to involuntary
6 admission as provided in the Mental Health and
7 Developmental Disabilities Code.

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

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

13 (11) 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 (12) Discipline by another state, District of
18 Columbia, territory, or foreign nation, if at least one of
19 the grounds for the discipline is the same or substantially
20 equivalent to those set forth in this Section.

21 (13) 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 (14) Willfully making or filing false records or
25 reports in his or her practice, including, but not limited
26 to, false records filed with State agencies or departments.

1 (15) Inability to practice the profession with
2 reasonable judgment, skill, or safety as a result of a
3 physical illness, including, but not limited to,
4 deterioration through the aging process or loss of motor
5 skill, or a mental illness or disability.

6 (16) Charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered.

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

11 (18) Fraud or misrepresentation in applying for, or
12 procuring, a license under this Act or in connection with
13 applying for renewal of a license under this Act.

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

16 All fines imposed under this Section shall be paid within
17 60 days after the effective date of the order imposing the
18 fine.

19 (b) 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 (c) (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 (d) 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 (e) 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 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 and the issuance of an order so finding and discharging the
2 patient.

3 (f) 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, the Department may file a complaint to
10 revoke, suspend, or otherwise discipline the license of the
11 individual. The Secretary may order the license suspended
12 immediately, pending a hearing by the Department. Fines shall
13 not be assessed in disciplinary actions involving physical or
14 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. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;
4 98-756, eff. 7-16-14.)

5 Section 155. The Home Inspector License Act is amended by
6 changing Section 15-10 as follows:

7 (225 ILCS 441/15-10)

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

9 Sec. 15-10. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action as the Department may
13 deem appropriate, including imposing fines not to exceed
14 \$25,000 for each violation, with regard to any license for any
15 one or combination of the following:

16 (1) Fraud or misrepresentation in applying for, or
17 procuring a license under this Act or in connection with
18 applying for renewal of a license under this Act.

19 (2) Failing to meet the minimum qualifications for
20 licensure as a home inspector established by this Act.

21 (3) Paying money, other than for the fees provided for
22 by this Act, or anything of value to an employee of the
23 Department to procure licensure under this Act.

24 (4) 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; (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; or (iii) that is a crime
9 that subjects the licensee to compliance with the
10 requirements of the Sex Offender Registration Act.

11 (5) Committing an act or omission involving
12 dishonesty, fraud, or misrepresentation with the intent to
13 substantially benefit the licensee or another person or
14 with the intent to substantially injure another person.

15 (6) Violating a provision or standard for the
16 development or communication of home inspections as
17 provided in Section 10-5 of this Act or as defined in the
18 rules.

19 (7) Failing or refusing to exercise reasonable
20 diligence in the development, reporting, or communication
21 of a home inspection report, as defined by this Act or the
22 rules.

23 (8) Violating a provision of this Act or the rules.

24 (9) Having been disciplined by another state, the
25 District of Columbia, a territory, a foreign nation, a
26 governmental agency, or any other entity authorized to

1 impose discipline if at least one of the grounds for that
2 discipline is the same as or substantially equivalent to
3 one of the grounds for which a licensee may be disciplined
4 under this Act.

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

8 (11) Accepting an inspection assignment when the
9 employment itself is contingent upon the home inspector
10 reporting a predetermined analysis or opinion, or when the
11 fee to be paid is contingent upon the analysis, opinion, or
12 conclusion reached or upon the consequences resulting from
13 the home inspection assignment.

14 (12) Developing home inspection opinions or
15 conclusions based on the race, color, religion, sex,
16 national origin, ancestry, age, marital status, family
17 status, physical or mental disability, or unfavorable
18 military discharge, as defined under the Illinois Human
19 Rights Act, of the prospective or present owners or
20 occupants of the area or property under home inspection.

21 (13) Being adjudicated liable in a civil proceeding on
22 grounds of fraud, misrepresentation, or deceit. In a
23 disciplinary proceeding based upon a finding of civil
24 liability, the home inspector shall be afforded an
25 opportunity to present mitigating and extenuating
26 circumstances, but may not collaterally attack the civil

1 adjudication.

2 (14) Being adjudicated liable in a civil proceeding for
3 violation of a State or federal fair housing law.

4 (15) Engaging in misleading or untruthful advertising
5 or using a trade name or insignia of membership in a home
6 inspection organization of which the licensee is not a
7 member.

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

10 (17) Failing to include within the home inspection
11 report the home inspector's license number and the date of
12 expiration of the license. All home inspectors providing
13 significant contribution to the development and reporting
14 of a home inspection must be disclosed in the home
15 inspection report. It is a violation of this Act for a home
16 inspector to sign a home inspection report knowing that a
17 person providing a significant contribution to the report
18 has not been disclosed in the home inspection report.

19 (18) Advising a client as to whether the client should
20 or should not engage in a transaction regarding the
21 residential real property that is the subject of the home
22 inspection.

23 (19) Performing a home inspection in a manner that
24 damages or alters the residential real property that is the
25 subject of the home inspection without the consent of the
26 owner.

1 (20) Performing a home inspection when the home
2 inspector is providing or may also provide other services
3 in connection with the residential real property or
4 transaction, or has an interest in the residential real
5 property, without providing prior written notice of the
6 potential or actual conflict and obtaining the prior
7 consent of the client as provided by rule.

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

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

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

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

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

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

25 (27) Cheating on or attempting to subvert the licensing
26 examination administered under this Act.

1 (b) The Department may suspend, revoke, or refuse to issue
2 or renew an education provider's license, may reprimand, place
3 on probation, or otherwise discipline an education provider
4 licensee, and may suspend or revoke the course approval of any
5 course offered by an education provider, for any of the
6 following:

7 (1) Procuring or attempting to procure licensure by
8 knowingly making a false statement, submitting false
9 information, making any form of fraud or
10 misrepresentation, or refusing to provide complete
11 information in response to a question in an application for
12 licensure.

13 (2) Failing to comply with the covenants certified to
14 on the application for licensure as an education provider.

15 (3) Committing an act or omission involving
16 dishonesty, fraud, or misrepresentation or allowing any
17 such act or omission by any employee or contractor under
18 the control of the education provider.

19 (4) Engaging in misleading or untruthful advertising.

20 (5) Failing to retain competent instructors in
21 accordance with rules adopted under this Act.

22 (6) Failing to meet the topic or time requirements for
23 course approval as the provider of a pre-license curriculum
24 course or a continuing education course.

25 (7) Failing to administer an approved course using the
26 course materials, syllabus, and examinations submitted as

1 the basis of the course approval.

2 (8) Failing to provide an appropriate classroom
3 environment for presentation of courses, with
4 consideration for student comfort, acoustics, lighting,
5 seating, workspace, and visual aid material.

6 (9) Failing to maintain student records in compliance
7 with the rules adopted under this Act.

8 (10) Failing to provide a certificate, transcript, or
9 other student record to the Department or to a student as
10 may be required by rule.

11 (11) Failing to fully cooperate with a Department
12 investigation by knowingly making a false statement,
13 submitting false or misleading information, or refusing to
14 provide complete information in response to written
15 interrogatories or a written request for documentation
16 within 30 days of the request.

17 (c) In appropriate cases, the Department may resolve a
18 complaint against a licensee through the issuance of a Consent
19 to Administrative Supervision order. A licensee subject to a
20 Consent to Administrative Supervision order shall be
21 considered by the Department as an active licensee in good
22 standing. This order shall not be reported as or considered by
23 the Department to be a discipline of the licensee. The records
24 regarding an investigation and a Consent to Administrative
25 Supervision order shall be considered confidential and shall
26 not be released by the Department except as mandated by law.

1 The complainant shall be notified that his or her complaint has
2 been resolved by a Consent to Administrative Supervision order.

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

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

20 (f) In cases where the Department of Healthcare and Family
21 Services has previously determined that 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 Civil
4 Administrative Code of Illinois.

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

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

1 examination. The examination shall be performed by a physician
2 licensed to practice medicine in all its branches. Failure of
3 an individual to submit to a mental or physical examination,
4 when directed, shall result in an automatic suspension without
5 hearing.

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

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that person's

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

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

13 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
14 98-756, eff. 7-16-14.)

15 (225 ILCS 447/40-35 rep.)

16 Section 160. The Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
18 amended by repealing Section 40-35.

19 Section 165. The Illinois Public Accounting Act is amended
20 by changing Section 20.01 as follows:

21 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

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

23 Sec. 20.01. Grounds for discipline; license or

1 registration.

2 (a) The Department may refuse to issue or renew, or may
3 revoke, suspend, or reprimand any registration or registrant,
4 any license or licensee, place a licensee or registrant on
5 probation for a period of time subject to any conditions the
6 Department may specify including requiring the licensee or
7 registrant to attend continuing education courses or to work
8 under the supervision of another licensee or registrant, impose
9 a fine not to exceed \$10,000 for each violation, restrict the
10 authorized scope of practice, require a licensee or registrant
11 to undergo a peer review program, assess costs as provided for
12 under Section 20.4, or take other disciplinary or
13 non-disciplinary action for any one or more of the following:

14 (1) Violation of any provision of this Act or rule
15 adopted by the Department under this Act or violation of
16 professional standards.

17 (2) Dishonesty, fraud, or deceit in obtaining,
18 reinstating, or restoring a license or registration.

19 (3) Cancellation, revocation, suspension, denial of
20 licensure or registration, or refusal to renew a license or
21 privileges under Section 5.2 for disciplinary reasons in
22 any other U.S. jurisdiction, unit of government, or
23 government agency for any cause.

24 (4) Failure, on the part of a licensee under Section 13
25 or registrant under Section 16, to maintain compliance with
26 the requirements for issuance or renewal of a license or

1 registration or to report changes to the Department.

2 (5) Revocation or suspension of the right to practice
3 by or before any state or federal regulatory authority or
4 by the Public Company Accounting Oversight Board.

5 (6) Dishonesty, fraud, deceit, or gross negligence in
6 the performance of services as a licensee or registrant or
7 individual granted privileges under Section 5.2.

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

17 (8) Performance of any fraudulent act while holding a
18 license or privilege issued under this Act or prior law.

19 (9) Practicing on a revoked, suspended, or inactive
20 license or registration.

21 (10) Making or filing a report or record that the
22 registrant or licensee knows to be false, willfully failing
23 to file a report or record required by State or federal
24 law, willfully impeding or obstructing the filing or
25 inducing another person to impede or obstruct only those
26 that are signed in the capacity of a licensed CPA or a

1 registered CPA.

2 (11) Aiding or assisting another person in violating
3 any provision of this Act or rules promulgated hereunder.

4 (12) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (13) Habitual or excessive use or abuse of drugs,
8 alcohol, narcotics, stimulants, or any other substance
9 that results in the inability to practice with reasonable
10 skill, judgment, or safety.

11 (14) Directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate, or other form of compensation
14 for any professional service not actually rendered.

15 (15) Physical illness, including, but not limited to,
16 deterioration through the aging process or loss of motor
17 skill that results in the licensee or registrant's
18 inability to practice under this Act with reasonable
19 judgment, skill, or safety.

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

22 (17) Any conduct reflecting adversely upon the
23 licensee's fitness to perform services while a licensee or
24 individual granted privileges under Section 5.2.

25 (18) Practicing or attempting to practice under a name
26 other than the full name as shown on the license or

1 registration or any other legally authorized name.

2 (19) A finding by the Department that a licensee or
3 registrant has not complied with a provision of any lawful
4 order issued by the Department.

5 (20) Making a false statement to the Department
6 regarding compliance with continuing professional
7 education or peer review requirements.

8 (21) Failing to make a substantive response to a
9 request for information by the Department within 30 days of
10 the request.

11 (b) (Blank).

12 (b-5) All fines or costs imposed under this Section shall
13 be paid within 60 days after the effective date of the order
14 imposing the fine or costs or in accordance with the terms set
15 forth in the order imposing the fine or cost.

16 (c) In cases where the Department of Healthcare and Family
17 Services has previously determined a licensee or a potential
18 licensee 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 license or may take other
22 disciplinary or non-disciplinary action against that person
23 based solely upon the certification of delinquency made by the
24 Department of Healthcare and Family Services in accordance with
25 item (5) of subsection (a) of Section 2105-15 of the Department
26 of Professional Regulation Law of the Civil Administrative Code

1 of Illinois.

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

13 (e) (Blank) ~~The Department shall deny any application for a~~
14 ~~license, registration, or renewal, without hearing, 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, registration, or renewal if the~~
18 ~~person in default has established a satisfactory repayment~~
19 ~~record as determined by the Illinois Student Assistance~~
20 ~~Commission.~~

21 (f) The determination by a court that a licensee or
22 registrant is subject to involuntary admission or judicial
23 admission as provided in the Mental Health and Developmental
24 Disabilities Code will result in the automatic suspension of
25 his or her license or registration. The licensee or registrant
26 shall be responsible for notifying the Department of the

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

9 (g) In enforcing this Section, the Department, upon a
10 showing of a possible violation, may compel, any licensee or
11 registrant or any individual who has applied for licensure
12 under this Act, to submit to a mental or physical examination
13 and 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, or
19 both. The multidisciplinary team shall be led by a physician
20 licensed to practice medicine in all of its branches and may
21 consist of one or more or a combination of physicians licensed
22 to practice medicine in all of its branches, licensed
23 chiropractic physicians, licensed clinical psychologists,
24 licensed clinical social workers, licensed clinical
25 professional counselors, and other professional and
26 administrative staff. Any examining physician or member of the

1 multidisciplinary team may require any person ordered to submit
2 to an examination and evaluation under this Section to submit
3 to any additional supplemental testing deemed necessary to
4 complete any examination or evaluation process, including, but
5 not limited to, blood testing, urinalysis, psychological
6 testing, or neuropsychological testing. The Department may
7 order the examining physician or any member of the
8 multidisciplinary team to provide to the Department any and all
9 records, including business records, that relate to the
10 examination and evaluation, including any supplemental testing
11 performed. The Department may order the examining physician or
12 any member of the multidisciplinary team to present testimony
13 concerning this examination and evaluation of the licensee,
14 registrant, or applicant, including testimony concerning any
15 supplemental testing or documents relating to the examination
16 and evaluation. No information, report, record, or other
17 documents in any way related to the examination and evaluation
18 shall be excluded by reason of any common law or statutory
19 privilege relating to communication between the licensee,
20 registrant, or applicant and the examining physician or any
21 member of the multidisciplinary team. No authorization is
22 necessary from the individual ordered to undergo an evaluation
23 and examination for the examining physician or any member of
24 the multidisciplinary team to provide information, reports,
25 records, or other documents or to provide any testimony
26 regarding the examination and evaluation.

1 The individual to be examined may have, at his or her own
2 expense, another physician of his or her choice present during
3 all aspects of the examination. Failure of any individual to
4 submit to mental or physical examination and evaluation, or
5 both, when directed, shall result in an automatic suspension,
6 without hearing, until such time as the individual submits to
7 the examination. If the Department finds a licensee,
8 registrant, or applicant unable to practice because of the
9 reasons set forth in this Section, the Department shall require
10 such licensee, registrant, or applicant to submit to care,
11 counseling, or treatment by physicians approved or designated
12 by the Department, as a condition for continued, reinstated, or
13 renewed licensure to practice.

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

23 Individuals licensed or registered under this Act,
24 affected under this Section, shall be afforded an opportunity
25 to demonstrate to the Department that they can resume practice
26 in compliance with acceptable and prevailing standards under

1 the provisions of their license or registration.

2 (Source: P.A. 98-254, eff. 8-9-13.)

3 Section 170. The Real Estate License Act of 2000 is amended
4 by changing Section 20-20 as follows:

5 (225 ILCS 454/20-20)

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

7 Sec. 20-20. Grounds for discipline.

8 (a) The Department may refuse to issue or renew a license,
9 may place on probation, suspend, or revoke any license,
10 reprimand, or take any other disciplinary or non-disciplinary
11 action as the Department may deem proper and impose a fine not
12 to exceed \$25,000 upon any licensee or applicant under this Act
13 or any person who holds himself or herself out as an applicant
14 or licensee or against a licensee in handling his or her own
15 property, whether held by deed, option, or otherwise, for any
16 one or any combination of the following causes:

17 (1) Fraud or misrepresentation in applying for, or
18 procuring, a license under this Act or in connection with
19 applying for renewal of a license under this Act.

20 (2) The conviction of or plea of guilty or plea of nolo
21 contendere to a felony or misdemeanor in this State or any
22 other jurisdiction; or the entry of an administrative
23 sanction by a government agency in this State or any other
24 jurisdiction. Action taken under this paragraph (2) for a

1 misdemeanor or an administrative sanction is limited to a
2 misdemeanor or administrative sanction that has as an
3 essential element dishonesty or fraud or involves larceny,
4 embezzlement, or obtaining money, property, or credit by
5 false pretenses or by means of a confidence game.

6 (3) Inability to practice the profession with
7 reasonable judgment, skill, or safety as a result of a
8 physical illness, including, but not limited to,
9 deterioration through the aging process or loss of motor
10 skill, or a mental illness or disability.

11 (4) Practice under this Act as a licensee in a retail
12 sales establishment from an office, desk, or space that is
13 not separated from the main retail business by a separate
14 and distinct area within the establishment.

15 (5) Having been disciplined by another state, the
16 District of Columbia, a territory, a foreign nation, or a
17 governmental agency authorized to impose discipline if at
18 least one of the grounds for that discipline is the same as
19 or the equivalent of one of the grounds for which a
20 licensee may be disciplined under this Act. A certified
21 copy of the record of the action by the other state or
22 jurisdiction shall be prima facie evidence thereof.

23 (6) Engaging in the practice of real estate brokerage
24 without a license or after the licensee's license was
25 expired or while the license was inoperative.

26 (7) Cheating on or attempting to subvert the Real

1 Estate License Exam or continuing education exam.

2 (8) Aiding or abetting an applicant to subvert or cheat
3 on the Real Estate License Exam or continuing education
4 exam administered pursuant to this Act.

5 (9) Advertising that is inaccurate, misleading, or
6 contrary to the provisions of the Act.

7 (10) Making any substantial misrepresentation or
8 untruthful advertising.

9 (11) Making any false promises of a character likely to
10 influence, persuade, or induce.

11 (12) Pursuing a continued and flagrant course of
12 misrepresentation or the making of false promises through
13 licensees, employees, agents, advertising, or otherwise.

14 (13) Any misleading or untruthful advertising, or
15 using any trade name or insignia of membership in any real
16 estate organization of which the licensee is not a member.

17 (14) Acting for more than one party in a transaction
18 without providing written notice to all parties for whom
19 the licensee acts.

20 (15) Representing or attempting to represent a broker
21 other than the sponsoring broker.

22 (16) Failure to account for or to remit any moneys or
23 documents coming into his or her possession that belong to
24 others.

25 (17) Failure to maintain and deposit in a special
26 account, separate and apart from personal and other

1 business accounts, all escrow moneys belonging to others
2 entrusted to a licensee while acting as a broker, escrow
3 agent, or temporary custodian of the funds of others or
4 failure to maintain all escrow moneys on deposit in the
5 account until the transactions are consummated or
6 terminated, except to the extent that the moneys, or any
7 part thereof, shall be:

8 (A) disbursed prior to the consummation or
9 termination (i) in accordance with the written
10 direction of the principals to the transaction or their
11 duly authorized agents, (ii) in accordance with
12 directions providing for the release, payment, or
13 distribution of escrow moneys contained in any written
14 contract signed by the principals to the transaction or
15 their duly authorized agents, or (iii) pursuant to an
16 order of a court of competent jurisdiction; or

17 (B) deemed abandoned and transferred to the Office
18 of the State Treasurer to be handled as unclaimed
19 property pursuant to the Uniform Disposition of
20 Unclaimed Property Act. Escrow moneys may be deemed
21 abandoned under this subparagraph (B) only: (i) in the
22 absence of disbursement under subparagraph (A); (ii)
23 in the absence of notice of the filing of any claim in
24 a court of competent jurisdiction; and (iii) if 6
25 months have elapsed after the receipt of a written
26 demand for the escrow moneys from one of the principals

1 to the transaction or the principal's duly authorized
2 agent.

3 The account shall be noninterest bearing, unless the
4 character of the deposit is such that payment of interest
5 thereon is otherwise required by law or unless the
6 principals to the transaction specifically require, in
7 writing, that the deposit be placed in an interest bearing
8 account.

9 (18) Failure to make available to the Department all
10 escrow records and related documents maintained in
11 connection with the practice of real estate within 24 hours
12 of a request for those documents by Department personnel.

13 (19) Failing to furnish copies upon request of
14 documents relating to a real estate transaction to a party
15 who has executed that document.

16 (20) Failure of a sponsoring broker to timely provide
17 information, sponsor cards, or termination of licenses to
18 the Department.

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

22 (22) Commingling the money or property of others with
23 his or her own money or property.

24 (23) Employing any person on a purely temporary or
25 single deal basis as a means of evading the law regarding
26 payment of commission to nonlicensees on some contemplated

1 transactions.

2 (24) Permitting the use of his or her license as a
3 broker to enable a leasing agent or unlicensed person to
4 operate a real estate business without actual
5 participation therein and control thereof by the broker.

6 (25) Any other conduct, whether of the same or a
7 different character from that specified in this Section,
8 that constitutes dishonest dealing.

9 (26) Displaying a "for rent" or "for sale" sign on any
10 property without the written consent of an owner or his or
11 her duly authorized agent or advertising by any means that
12 any property is for sale or for rent without the written
13 consent of the owner or his or her authorized agent.

14 (27) Failing to provide information requested by the
15 Department, or otherwise respond to that request, within 30
16 days of the request.

17 (28) Advertising by means of a blind advertisement,
18 except as otherwise permitted in Section 10-30 of this Act.

19 (29) Offering guaranteed sales plans, as defined in
20 clause (A) of this subdivision (29), except to the extent
21 hereinafter set forth:

22 (A) A "guaranteed sales plan" is any real estate
23 purchase or sales plan whereby a licensee enters into a
24 conditional or unconditional written contract with a
25 seller, prior to entering into a brokerage agreement
26 with the seller, by the terms of which a licensee

1 agrees to purchase a property of the seller within a
2 specified period of time at a specific price in the
3 event the property is not sold in accordance with the
4 terms of a brokerage agreement to be entered into
5 between the sponsoring broker and the seller.

6 (B) A licensee offering a guaranteed sales plan
7 shall provide the details and conditions of the plan in
8 writing to the party to whom the plan is offered.

9 (C) A licensee offering a guaranteed sales plan
10 shall provide to the party to whom the plan is offered
11 evidence of sufficient financial resources to satisfy
12 the commitment to purchase undertaken by the broker in
13 the plan.

14 (D) Any licensee offering a guaranteed sales plan
15 shall undertake to market the property of the seller
16 subject to the plan in the same manner in which the
17 broker would market any other property, unless the
18 agreement with the seller provides otherwise.

19 (E) The licensee cannot purchase seller's property
20 until the brokerage agreement has ended according to
21 its terms or is otherwise terminated.

22 (F) Any licensee who fails to perform on a
23 guaranteed sales plan in strict accordance with its
24 terms shall be subject to all the penalties provided in
25 this Act for violations thereof and, in addition, shall
26 be subject to a civil fine payable to the party injured

1 by the default in an amount of up to \$25,000.

2 (30) Influencing or attempting to influence, by any
3 words or acts, a prospective seller, purchaser, occupant,
4 landlord, or tenant of real estate, in connection with
5 viewing, buying, or leasing real estate, so as to promote
6 or tend to promote the continuance or maintenance of
7 racially and religiously segregated housing or so as to
8 retard, obstruct, or discourage racially integrated
9 housing on or in any street, block, neighborhood, or
10 community.

11 (31) Engaging in any act that constitutes a violation
12 of any provision of Article 3 of the Illinois Human Rights
13 Act, whether or not a complaint has been filed with or
14 adjudicated by the Human Rights Commission.

15 (32) Inducing any party to a contract of sale or lease
16 or brokerage agreement to break the contract of sale or
17 lease or brokerage agreement for the purpose of
18 substituting, in lieu thereof, a new contract for sale or
19 lease or brokerage agreement with a third party.

20 (33) Negotiating a sale, exchange, or lease of real
21 estate directly with any person if the licensee knows that
22 the person has an exclusive brokerage agreement with
23 another broker, unless specifically authorized by that
24 broker.

25 (34) When a licensee is also an attorney, acting as the
26 attorney for either the buyer or the seller in the same

1 transaction in which the licensee is acting or has acted as
2 a managing broker or broker.

3 (35) Advertising or offering merchandise or services
4 as free if any conditions or obligations necessary for
5 receiving the merchandise or services are not disclosed in
6 the same advertisement or offer. These conditions or
7 obligations include without limitation the requirement
8 that the recipient attend a promotional activity or visit a
9 real estate site. As used in this subdivision (35), "free"
10 includes terms such as "award", "prize", "no charge", "free
11 of charge", "without charge", and similar words or phrases
12 that reasonably lead a person to believe that he or she may
13 receive or has been selected to receive something of value,
14 without any conditions or obligations on the part of the
15 recipient.

16 (36) Disregarding or violating any provision of the
17 Land Sales Registration Act of 1989, the Illinois Real
18 Estate Time-Share Act, or the published rules promulgated
19 by the Department to enforce those Acts.

20 (37) Violating the terms of a disciplinary order issued
21 by the Department.

22 (38) Paying or failing to disclose compensation in
23 violation of Article 10 of this Act.

24 (39) Requiring a party to a transaction who is not a
25 client of the licensee to allow the licensee to retain a
26 portion of the escrow moneys for payment of the licensee's

1 commission or expenses as a condition for release of the
2 escrow moneys to that party.

3 (40) Disregarding or violating any provision of this
4 Act or the published rules promulgated by the Department to
5 enforce this Act or aiding or abetting any individual,
6 partnership, registered limited liability partnership,
7 limited liability company, or corporation in disregarding
8 any provision of this Act or the published rules
9 promulgated by the Department to enforce this Act.

10 (41) Failing to provide the minimum services required
11 by Section 15-75 of this Act when acting under an exclusive
12 brokerage agreement.

13 (42) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 that results in a managing broker, broker, or leasing
16 agent's inability to practice with reasonable skill or
17 safety.

18 (43) Enabling, aiding, or abetting an auctioneer, as
19 defined in the Auction License Act, to conduct a real
20 estate auction in a manner that is in violation of this
21 Act.

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

1 Revenue, until such time as the requirements of that tax Act
2 are satisfied in accordance with subsection (g) of Section
3 2105-15 of the Civil Administrative Code of Illinois.

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 item (5) of subsection~~
9 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
10 ~~Illinois.~~

11 (d) In cases where the Department of Healthcare and Family
12 Services (formerly 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 may
16 refuse to issue or renew or may revoke or suspend that person's
17 license or may take other disciplinary action against that
18 person based solely upon the certification of delinquency made
19 by the Department of Healthcare and Family Services in
20 accordance with item (5) of subsection (a) of Section 2105-15
21 of the Civil Administrative Code of Illinois.

22 (e) In enforcing this Section, the Department or Board upon
23 a showing of a possible violation may compel an individual
24 licensed to practice under this Act, or who has applied for
25 licensure under this Act, to submit to a mental or physical
26 examination, or both, as required by and at the expense of the

1 Department. The Department or Board may order the examining
2 physician to present testimony concerning the mental or
3 physical examination of the licensee or applicant. No
4 information shall be excluded by reason of any common law or
5 statutory privilege relating to communications between the
6 licensee or applicant and the examining physician. The
7 examining physicians shall be specifically designated by the
8 Board or Department. The individual to be examined may have, at
9 his or her own expense, another physician of his or her choice
10 present during all aspects of this examination. Failure of an
11 individual to submit to a mental or physical examination, when
12 directed, shall be grounds for suspension of his or her license
13 until the individual submits to the examination if the
14 Department finds, after notice and hearing, that the refusal to
15 submit to the examination was without reasonable cause.

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

1 renewed, disciplined or supervised subject to such terms,
2 conditions, or restrictions, and who fails to comply with such
3 terms, conditions, or restrictions, shall be referred to the
4 Secretary for a determination as to whether the individual
5 shall have his or her license suspended immediately, pending a
6 hearing by the Department.

7 In instances in which the Secretary immediately suspends a
8 person's license under this Section, a hearing on that person's
9 license must be convened by the Department within 30 days after
10 the suspension and completed without appreciable delay. The
11 Department and Board shall have the authority to review the
12 subject individual's record of treatment and counseling
13 regarding the impairment to the extent permitted by applicable
14 federal statutes and regulations safeguarding the
15 confidentiality of medical records.

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

21 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;
22 99-227, eff. 8-3-15.)

23 (225 ILCS 458/15-45 rep.)

24 Section 175. The Real Estate Appraiser Licensing Act of
25 2002 is amended by repealing Section 15-45.

1 Section 180. The Radon Industry Licensing Act is amended by
2 changing Section 45 as follows:

3 (420 ILCS 44/45)

4 Sec. 45. Grounds for disciplinary action. The Agency may
5 refuse to issue or to renew, or may revoke, suspend, or take
6 other disciplinary action as the Agency may deem proper,
7 including fines not to exceed \$1,000 for each violation, with
8 regard to any license for any one or combination of the
9 following causes:

10 (a) Violation of this Act or its rules.

11 (b) Conviction of a crime under the laws of any United
12 States jurisdiction that is a felony or of any crime that
13 directly relates to the practice of detecting or reducing
14 the presence of radon or radon progeny.

15 (c) Making a misrepresentation for the purpose of
16 obtaining a license.

17 (d) Professional incompetence or gross negligence in
18 the practice of detecting or reducing the presence of radon
19 or radon progeny.

20 (e) Gross malpractice, prima facie evidence of which
21 may be a conviction or judgment of malpractice in a court
22 of competent jurisdiction.

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

1 (g) Failing, within 60 days, to provide information in
2 response to a written request made by the Agency that has
3 been sent by mail to the licensee's last known address.

4 (h) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (i) Habitual or excessive use or addiction to alcohol,
8 narcotics, stimulants, or any other chemical agent or drug
9 that results in the inability to practice with reasonable
10 judgment, skill, or safety.

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

15 (k) Directly or indirectly giving to or receiving from
16 a person any fee, commission, rebate, or other form of
17 compensation for a professional service not actually or
18 personally rendered.

19 (l) A finding by the Agency that the licensee has
20 violated the terms of a license.

21 (m) Conviction by a court of competent jurisdiction,
22 either within or outside of this State, of a violation of a
23 law governing the practice of detecting or reducing the
24 presence of radon or radon progeny if the Agency determines
25 after investigation that the person has not been
26 sufficiently rehabilitated to warrant the public trust.

1 (n) A finding by the Agency that a license has been
2 applied for or obtained by fraudulent means.

3 (o) Practicing or attempting to practice under a name
4 other than the full name as shown on the license or any
5 other authorized name.

6 (p) Gross and willful overcharging for professional
7 services, including filing false statements for collection
8 of fees or moneys for which services are not rendered.

9 (q) Failure to file a return or to pay the tax,
10 penalty, or interest shown in a filed return, or to pay any
11 final assessment of tax, penalty, or interest, as required
12 by a tax Act administered by the Department of Revenue,
13 until such time as the requirements of any such tax Act are
14 satisfied.

15 (r) (Blank) ~~Failure to repay educational loans~~
16 ~~guaranteed by the Illinois Student Assistance Commission,~~
17 ~~as provided in Section 80 of the Nuclear Safety Law of~~
18 ~~2004. However, the Agency may issue an original or renewal~~
19 ~~license if the person in default has established a~~
20 ~~satisfactory repayment record as determined by the~~
21 ~~Illinois Student Assistance Commission.~~

22 (s) Failure to meet child support orders, as provided
23 in Section 10-65 of the Illinois Administrative Procedure
24 Act.

25 (t) Failure to pay a fee or civil penalty properly
26 assessed by the Agency.

1 (Source: P.A. 94-369, eff. 7-29-05.)

2 Section 185. The Attorney Act is amended by changing
3 Section 1 as follows:

4 (705 ILCS 205/1) (from Ch. 13, par. 1)

5 Sec. 1. No person shall be permitted to practice as an
6 attorney or counselor at law within this State without having
7 previously obtained a license for that purpose from the Supreme
8 Court of this State.

9 No person shall receive any compensation directly or
10 indirectly for any legal services other than a regularly
11 licensed attorney, nor may an unlicensed person advertise or
12 hold himself or herself out to provide legal services.

13 A license, as provided for herein, constitutes the person
14 receiving the same an attorney and counselor at law, according
15 to the law and customs thereof, for and during his good
16 behavior in the practice and authorizes him to demand and
17 receive fees for any services which he may render as an
18 attorney and counselor at law in this State. ~~No person shall be
19 granted a license or renewal authorized by this Act who has
20 defaulted on an educational loan guaranteed by the Illinois
21 Student Assistance Commission; however, a license or renewal
22 may be issued to the aforementioned persons who have
23 established a satisfactory repayment record as determined by
24 the Illinois Student Assistance Commission.~~ No person shall be

1 granted a license or renewal authorized by this Act who is more
2 than 30 days delinquent in complying with a child support
3 order; a license or renewal may be issued, however, if the
4 person has established a satisfactory repayment record as
5 determined (i) by the Department of Healthcare and Family
6 Services (formerly Illinois Department of Public Aid) for cases
7 being enforced under Article X of the Illinois Public Aid Code
8 or (ii) in all other cases by order of court or by written
9 agreement between the custodial parent and non-custodial
10 parent. No person shall be refused a license under this Act on
11 account of sex.

12 Any person practicing, charging or receiving fees for legal
13 services or advertising or holding himself or herself out to
14 provide legal services within this State, either directly or
15 indirectly, without being licensed to practice as herein
16 required, is guilty of contempt of court and shall be punished
17 accordingly, upon complaint being filed in any Circuit Court of
18 this State. The remedies available include, but are not limited
19 to: (i) appropriate equitable relief; (ii) a civil penalty not
20 to exceed \$5,000, which shall be paid to the Illinois Equal
21 Justice Foundation; and (iii) actual damages. Such proceedings
22 shall be conducted in the Courts of the respective counties
23 where the alleged contempt has been committed in the same
24 manner as in cases of indirect contempt and with the right of
25 review by the parties thereto.

26 The provisions of this Act shall be in addition to other

1 remedies permitted by law and shall not be construed to deprive
2 courts of this State of their inherent right to punish for
3 contempt or to restrain the unauthorized practice of law.

4 Nothing in this Act shall be construed to conflict with,
5 amend, or modify Section 5 of the Corporation Practice of Law
6 Prohibition Act or prohibit representation of a party by a
7 person who is not an attorney in a proceeding before either
8 panel of the Illinois Labor Relations Board under the Illinois
9 Public Labor Relations Act, as now or hereafter amended, the
10 Illinois Educational Labor Relations Board under the Illinois
11 Educational Labor Relations Act, as now or hereafter amended,
12 the State Civil Service Commission, the local Civil Service
13 Commissions, or the University Civil Service Merit Board, to
14 the extent allowed pursuant to rules and regulations
15 promulgated by those Boards and Commissions or the giving of
16 information, training, or advocacy or assistance in any
17 meetings or administrative proceedings held pursuant to the
18 federal Individuals with Disabilities Education Act, the
19 federal Rehabilitation Act of 1973, the federal Americans with
20 Disabilities Act of 1990, or the federal Social Security Act,
21 to the extent allowed by those laws or the federal regulations
22 or State statutes implementing those laws.

23 (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;
24 95-410, eff. 8-24-07.)

25 Section 190. The Illinois Securities Law of 1953 is amended

1 by changing Section 8 as follows:

2 (815 ILCS 5/8) (from Ch. 121 1/2, par. 137.8)

3 Sec. 8. Registration of dealers, limited Canadian dealers,
4 Internet portals, salespersons, investment advisers, and
5 investment adviser representatives.

6 A. Except as otherwise provided in this subsection A, every
7 dealer, limited Canadian dealer, salesperson, investment
8 adviser, and investment adviser representative shall be
9 registered as such with the Secretary of State. No dealer or
10 salesperson need be registered as such when offering or selling
11 securities in transactions exempted by subsection A, B, C, D,
12 E, G, H, I, J, K, M, O, P, Q, R or S of Section 4 of this Act,
13 provided that such dealer or salesperson is not regularly
14 engaged in the business of offering or selling securities in
15 reliance upon the exemption set forth in subsection G or M of
16 Section 4 of this Act. No dealer, issuer or controlling person
17 shall employ a salesperson unless such salesperson is
18 registered as such with the Secretary of State or is employed
19 for the purpose of offering or selling securities solely in
20 transactions exempted by subsection A, B, C, D, E, G, H, I, J,
21 K, L, M, O, P, Q, R or S of Section 4 of this Act; provided that
22 such salesperson need not be registered when effecting
23 transactions in this State limited to those transactions
24 described in Section 15(h)(2) of the Federal 1934 Act or

1 engaging in the offer or sale of securities in respect of which
2 he or she has beneficial ownership and is a controlling person.
3 The Secretary of State may, by rule, regulation or order and
4 subject to such terms, conditions, and fees as may be
5 prescribed in such rule, regulation or order, exempt from the
6 registration requirements of this Section 8 any investment
7 adviser, if the Secretary of State shall find that such
8 registration is not necessary in the public interest by reason
9 of the small number of clients or otherwise limited character
10 of operation of such investment adviser.

11 B. An application for registration as a dealer or limited
12 Canadian dealer, executed, verified, or authenticated by or on
13 behalf of the applicant, shall be filed with the Secretary of
14 State, in such form as the Secretary of State may by rule,
15 regulation or order prescribe, setting forth or accompanied by:

16 (1) The name and address of the applicant, the location
17 of its principal business office and all branch offices, if
18 any, and the date of its organization;

19 (2) A statement of any other Federal or state licenses
20 or registrations which have been granted the applicant and
21 whether any such licenses or registrations have ever been
22 refused, cancelled, suspended, revoked or withdrawn;

23 (3) The assets and all liabilities, including
24 contingent liabilities of the applicant, as of a date not
25 more than 60 days prior to the filing of the application;

1 (4) (a) A brief description of any civil or criminal
2 proceeding of which fraud is an essential element pending
3 against the applicant and whether the applicant has ever
4 been convicted of a felony, or of any misdemeanor of which
5 fraud is an essential element;

6 (b) A list setting forth the name, residence and
7 business address and a 10 year occupational statement of
8 each principal of the applicant and a statement describing
9 briefly any civil or criminal proceedings of which fraud is
10 an essential element pending against any such principal and
11 the facts concerning any conviction of any such principal
12 of a felony, or of any misdemeanor of which fraud is an
13 essential element;

14 (5) If the applicant is a corporation: a list of its
15 officers and directors setting forth the residence and
16 business address of each; a 10-year occupational statement
17 of each such officer or director; and a statement
18 describing briefly any civil or criminal proceedings of
19 which fraud is an essential element pending against each
20 such officer or director and the facts concerning any
21 conviction of any officer or director of a felony, or of
22 any misdemeanor of which fraud is an essential element;

23 (6) If the applicant is a sole proprietorship, a
24 partnership, limited liability company, an unincorporated
25 association or any similar form of business organization:
26 the name, residence and business address of the proprietor

1 or of each partner, member, officer, director, trustee or
2 manager; the limitations, if any, of the liability of each
3 such individual; a 10-year occupational statement of each
4 such individual; a statement describing briefly any civil
5 or criminal proceedings of which fraud is an essential
6 element pending against each such individual and the facts
7 concerning any conviction of any such individual of a
8 felony, or of any misdemeanor of which fraud is an
9 essential element;

10 (7) Such additional information as the Secretary of
11 State may by rule or regulation prescribe as necessary to
12 determine the applicant's financial responsibility,
13 business repute and qualification to act as a dealer.

14 (8) (a) No applicant shall be registered or
15 re-registered as a dealer or limited Canadian dealer under
16 this Section unless and until each principal of the dealer
17 has passed an examination conducted by the Secretary of
18 State or a self-regulatory organization of securities
19 dealers or similar person, which examination has been
20 designated by the Secretary of State by rule, regulation or
21 order to be satisfactory for purposes of determining
22 whether the applicant has sufficient knowledge of the
23 securities business and laws relating thereto to act as a
24 registered dealer. Any dealer who was registered on
25 September 30, 1963, and has continued to be so registered;
26 and any principal of any registered dealer, who was acting

1 in such capacity on and continuously since September 30,
2 1963; and any individual who has previously passed a
3 securities dealer examination administered by the
4 Secretary of State or any examination designated by the
5 Secretary of State to be satisfactory for purposes of
6 determining whether the applicant has sufficient knowledge
7 of the securities business and laws relating thereto to act
8 as a registered dealer by rule, regulation or order, shall
9 not be required to pass an examination in order to continue
10 to act in such capacity. The Secretary of State may by
11 order waive the examination requirement for any principal
12 of an applicant for registration under this subsection B
13 who has had such experience or education relating to the
14 securities business as may be determined by the Secretary
15 of State to be the equivalent of such examination. Any
16 request for such a waiver shall be filed with the Secretary
17 of State in such form as may be prescribed by rule or
18 regulation.

19 (b) Unless an applicant is a member of the body
20 corporate known as the Securities Investor Protection
21 Corporation established pursuant to the Act of Congress of
22 the United States known as the Securities Investor
23 Protection Act of 1970, as amended, a member of an
24 association of dealers registered as a national securities
25 association pursuant to Section 15A of the Federal 1934
26 Act, or a member of a self-regulatory organization or stock

1 exchange in Canada which the Secretary of State has
2 designated by rule or order, an applicant shall not be
3 registered or re-registered unless and until there is filed
4 with the Secretary of State evidence that such applicant
5 has in effect insurance or other equivalent protection for
6 each client's cash or securities held by such applicant,
7 and an undertaking that such applicant will continually
8 maintain such insurance or other protection during the
9 period of registration or re-registration. Such insurance
10 or other protection shall be in a form and amount
11 reasonably prescribed by the Secretary of State by rule or
12 regulation.

13 (9) The application for the registration of a dealer or
14 limited Canadian dealer shall be accompanied by a filing
15 fee and a fee for each branch office in this State, in each
16 case in the amount established pursuant to Section 11a of
17 this Act, which fees shall not be returnable in any event.

18 (10) The Secretary of State shall notify the dealer or
19 limited Canadian dealer by written notice (which may be by
20 electronic or facsimile transmission) of the effectiveness
21 of the registration as a dealer in this State.

22 (11) Any change which renders no longer accurate any
23 information contained in any application for registration
24 or re-registration of a dealer or limited Canadian dealer
25 shall be reported to the Secretary of State within 10
26 business days after the occurrence of such change; but in

1 respect to assets and liabilities only materially adverse
2 changes need be reported.

3 C. Any registered dealer, limited Canadian dealer, issuer,
4 or controlling person desiring to register a salesperson shall
5 file an application with the Secretary of State, in such form
6 as the Secretary of State may by rule or regulation prescribe,
7 which the salesperson is required by this Section to provide to
8 the dealer, issuer, or controlling person, executed, verified,
9 or authenticated by the salesperson setting forth or
10 accompanied by:

11 (1) the name, residence and business address of the
12 salesperson;

13 (2) whether any federal or State license or
14 registration as dealer, limited Canadian dealer, or
15 salesperson has ever been refused the salesperson or
16 cancelled, suspended, revoked, withdrawn, barred, limited,
17 or otherwise adversely affected in a similar manner or
18 whether the salesperson has ever been censured or expelled;

19 (3) the nature of employment with, and names and
20 addresses of, employers of the salesperson for the 10 years
21 immediately preceding the date of application;

22 (4) a brief description of any civil or criminal
23 proceedings of which fraud is an essential element pending
24 against the salesperson, and whether the salesperson has
25 ever been convicted of a felony, or of any misdemeanor of

1 which fraud is an essential element;

2 (5) such additional information as the Secretary of
3 State may by rule, regulation or order prescribe as
4 necessary to determine the salesperson's business repute
5 and qualification to act as a salesperson; and

6 (6) no individual shall be registered or re-registered
7 as a salesperson under this Section unless and until such
8 individual has passed an examination conducted by the
9 Secretary of State or a self-regulatory organization of
10 securities dealers or similar person, which examination
11 has been designated by the Secretary of State by rule,
12 regulation or order to be satisfactory for purposes of
13 determining whether the applicant has sufficient knowledge
14 of the securities business and laws relating thereto to act
15 as a registered salesperson.

16 Any salesperson who was registered prior to September
17 30, 1963, and has continued to be so registered, and any
18 individual who has passed a securities salesperson
19 examination administered by the Secretary of State or an
20 examination designated by the Secretary of State by rule,
21 regulation or order to be satisfactory for purposes of
22 determining whether the applicant has sufficient knowledge
23 of the securities business and laws relating thereto to act
24 as a registered salesperson, shall not be required to pass
25 an examination in order to continue to act as a
26 salesperson. The Secretary of State may by order waive the

1 examination requirement for any applicant for registration
2 under this subsection C who has had such experience or
3 education relating to the securities business as may be
4 determined by the Secretary of State to be the equivalent
5 of such examination. Any request for such a waiver shall be
6 filed with the Secretary of State in such form as may be
7 prescribed by rule, regulation or order.

8 (7) The application for registration of a salesperson
9 shall be accompanied by a filing fee and a Securities Audit
10 and Enforcement Fund fee, each in the amount established
11 pursuant to Section 11a of this Act, which shall not be
12 returnable in any event.

13 (8) Any change which renders no longer accurate any
14 information contained in any application for registration
15 or re-registration as a salesperson shall be reported to
16 the Secretary of State within 10 business days after the
17 occurrence of such change. If the activities are terminated
18 which rendered an individual a salesperson for the dealer,
19 issuer or controlling person, the dealer, issuer or
20 controlling person, as the case may be, shall notify the
21 Secretary of State, in writing, within 30 days of the
22 salesperson's cessation of activities, using the
23 appropriate termination notice form.

24 (9) A registered salesperson may transfer his or her
25 registration under this Section 8 for the unexpired term
26 thereof from one registered dealer or limited Canadian

1 dealer to another by the giving of notice of the transfer
2 by the new registered dealer or limited Canadian dealer to
3 the Secretary of State in such form and subject to such
4 conditions as the Secretary of State shall by rule or
5 regulation prescribe. The new registered dealer or limited
6 Canadian dealer shall promptly file an application for
7 registration of such salesperson as provided in this
8 subsection C, accompanied by the filing fee prescribed by
9 paragraph (7) of this subsection C.

10 C-5. Except with respect to federal covered investment
11 advisers whose only clients are investment companies as defined
12 in the Federal 1940 Act, other investment advisers, federal
13 covered investment advisers, or any similar person which the
14 Secretary of State may prescribe by rule or order, a federal
15 covered investment adviser shall file with the Secretary of
16 State, prior to acting as a federal covered investment adviser
17 in this State, such documents as have been filed with the
18 Securities and Exchange Commission as the Secretary of State by
19 rule or order may prescribe. The notification of a federal
20 covered investment adviser shall be accompanied by a
21 notification filing fee established pursuant to Section 11a of
22 this Act, which shall not be returnable in any event. Every
23 person acting as a federal covered investment adviser in this
24 State shall file a notification filing and pay an annual
25 notification filing fee established pursuant to Section 11a of

1 this Act, which is not returnable in any event. The failure to
2 file any such notification shall constitute a violation of
3 subsection D of Section 12 of this Act, subject to the
4 penalties enumerated in Section 14 of this Act. Until October
5 10, 1999 or other date as may be legally permissible, a federal
6 covered investment adviser who fails to file the notification
7 or refuses to pay the fees as required by this subsection shall
8 register as an investment adviser with the Secretary of State
9 under Section 8 of this Act. The civil remedies provided for in
10 subsection A of Section 13 of this Act and the civil remedies
11 of rescission and appointment of receiver, conservator,
12 ancillary receiver, or ancillary conservator provided for in
13 subsection F of Section 13 of this Act shall not be available
14 against any person by reason of the failure to file any such
15 notification or to pay the notification fee or on account of
16 the contents of any such notification.

17 D. An application for registration as an investment
18 adviser, executed, verified, or authenticated by or on behalf
19 of the applicant, shall be filed with the Secretary of State,
20 in such form as the Secretary of State may by rule or
21 regulation prescribe, setting forth or accompanied by:

22 (1) The name and form of organization under which the
23 investment adviser engages or intends to engage in
24 business; the state or country and date of its
25 organization; the location of the adviser's principal

1 business office and branch offices, if any; the names and
2 addresses of the adviser's principal, partners, officers,
3 directors, and persons performing similar functions or, if
4 the investment adviser is an individual, of the individual;
5 and the number of the adviser's employees who perform
6 investment advisory functions;

7 (2) The education, the business affiliations for the
8 past 10 years, and the present business affiliations of the
9 investment adviser and of the adviser's principal,
10 partners, officers, directors, and persons performing
11 similar functions and of any person controlling the
12 investment adviser;

13 (3) The nature of the business of the investment
14 adviser, including the manner of giving advice and
15 rendering analyses or reports;

16 (4) The nature and scope of the authority of the
17 investment adviser with respect to clients' funds and
18 accounts;

19 (5) The basis or bases upon which the investment
20 adviser is compensated;

21 (6) Whether the investment adviser or any principal,
22 partner, officer, director, person performing similar
23 functions or person controlling the investment adviser (i)
24 within 10 years of the filing of the application has been
25 convicted of a felony, or of any misdemeanor of which fraud
26 is an essential element, or (ii) is permanently or

1 temporarily enjoined by order or judgment from acting as an
2 investment adviser, underwriter, dealer, principal or
3 salesperson, or from engaging in or continuing any conduct
4 or practice in connection with any such activity or in
5 connection with the purchase or sale of any security, and
6 in each case the facts relating to the conviction, order or
7 judgment;

8 (7) (a) A statement as to whether the investment
9 adviser is engaged or is to engage primarily in the
10 business of rendering investment supervisory services; and

11 (b) A statement that the investment adviser will
12 furnish his, her, or its clients with such information as
13 the Secretary of State deems necessary in the form
14 prescribed by the Secretary of State by rule or regulation;

15 (8) Such additional information as the Secretary of
16 State may, by rule, regulation or order prescribe as
17 necessary to determine the applicant's financial
18 responsibility, business repute and qualification to act
19 as an investment adviser.

20 (9) No applicant shall be registered or re-registered
21 as an investment adviser under this Section unless and
22 until each principal of the applicant who is actively
23 engaged in the conduct and management of the applicant's
24 advisory business in this State has passed an examination
25 or completed an educational program conducted by the
26 Secretary of State or an association of investment advisers

1 or similar person, which examination or educational
2 program has been designated by the Secretary of State by
3 rule, regulation or order to be satisfactory for purposes
4 of determining whether the applicant has sufficient
5 knowledge of the securities business and laws relating
6 thereto to conduct the business of a registered investment
7 adviser.

8 Any person who was a registered investment adviser
9 prior to September 30, 1963, and has continued to be so
10 registered, and any individual who has passed an investment
11 adviser examination administered by the Secretary of
12 State, or passed an examination or completed an educational
13 program designated by the Secretary of State by rule,
14 regulation or order to be satisfactory for purposes of
15 determining whether the applicant has sufficient knowledge
16 of the securities business and laws relating thereto to
17 conduct the business of a registered investment adviser,
18 shall not be required to pass an examination or complete an
19 educational program in order to continue to act as an
20 investment adviser. The Secretary of State may by order
21 waive the examination or educational program requirement
22 for any applicant for registration under this subsection D
23 if the principal of the applicant who is actively engaged
24 in the conduct and management of the applicant's advisory
25 business in this State has had such experience or education
26 relating to the securities business as may be determined by

1 the Secretary of State to be the equivalent of the
2 examination or educational program. Any request for a
3 waiver shall be filed with the Secretary of State in such
4 form as may be prescribed by rule or regulation.

5 (10) No applicant shall be registered or re-registered
6 as an investment adviser under this Section 8 unless the
7 application for registration or re-registration is
8 accompanied by an application for registration or
9 re-registration for each person acting as an investment
10 adviser representative on behalf of the adviser and a
11 Securities Audit and Enforcement Fund fee that shall not be
12 returnable in any event is paid with respect to each
13 investment adviser representative.

14 (11) The application for registration of an investment
15 adviser shall be accompanied by a filing fee and a fee for
16 each branch office in this State, in each case in the
17 amount established pursuant to Section 11a of this Act,
18 which fees shall not be returnable in any event.

19 (12) The Secretary of State shall notify the investment
20 adviser by written notice (which may be by electronic or
21 facsimile transmission) of the effectiveness of the
22 registration as an investment adviser in this State.

23 (13) Any change which renders no longer accurate any
24 information contained in any application for registration
25 or re-registration of an investment adviser shall be
26 reported to the Secretary of State within 10 business days

1 after the occurrence of the change. In respect to assets
2 and liabilities of an investment adviser that retains
3 custody of clients' cash or securities or accepts
4 pre-payment of fees in excess of \$500 per client and 6 or
5 more months in advance only materially adverse changes need
6 be reported by written notice (which may be by electronic
7 or facsimile transmission) no later than the close of
8 business on the second business day following the discovery
9 thereof.

10 (14) Each application for registration as an
11 investment adviser shall become effective automatically on
12 the 45th day following the filing of the application,
13 required documents or information, and payment of the
14 required fee unless (i) the Secretary of State has
15 registered the investment adviser prior to that date or
16 (ii) an action with respect to the applicant is pending
17 under Section 11 of this Act.

18 D-5. A registered investment adviser or federal covered
19 investment adviser desiring to register an investment adviser
20 representative shall file an application with the Secretary of
21 State, in the form as the Secretary of State may by rule or
22 order prescribe, which the investment adviser representative
23 is required by this Section to provide to the investment
24 adviser, executed, verified, or authenticated by the
25 investment adviser representative and setting forth or

1 accompanied by:

2 (1) The name, residence, and business address of the
3 investment adviser representative;

4 (2) A statement whether any federal or state license or
5 registration as a dealer, salesperson, investment adviser,
6 or investment adviser representative has ever been
7 refused, canceled, suspended, revoked or withdrawn;

8 (3) The nature of employment with, and names and
9 addresses of, employers of the investment adviser
10 representative for the 10 years immediately preceding the
11 date of application;

12 (4) A brief description of any civil or criminal
13 proceedings, of which fraud is an essential element,
14 pending against the investment adviser representative and
15 whether the investment adviser representative has ever
16 been convicted of a felony or of any misdemeanor of which
17 fraud is an essential element;

18 (5) Such additional information as the Secretary of
19 State may by rule or order prescribe as necessary to
20 determine the investment adviser representative's business
21 repute or qualification to act as an investment adviser
22 representative;

23 (6) Documentation that the individual has passed an
24 examination conducted by the Secretary of State, an
25 organization of investment advisers, or similar person,
26 which examination has been designated by the Secretary of

1 State by rule or order to be satisfactory for purposes of
2 determining whether the applicant has sufficient knowledge
3 of the investment advisory or securities business and laws
4 relating to that business to act as a registered investment
5 adviser representative; and

6 (7) A Securities Audit and Enforcement Fund fee
7 established under Section 11a of this Act, which shall not
8 be returnable in any event.

9 The Secretary of State may by order waive the examination
10 requirement for an applicant for registration under this
11 subsection D-5 who has had the experience or education relating
12 to the investment advisory or securities business as may be
13 determined by the Secretary of State to be the equivalent of
14 the examination. A request for a waiver shall be filed with the
15 Secretary of State in the form as may be prescribed by rule or
16 order.

17 A change that renders no longer accurate any information
18 contained in any application for registration or
19 re-registration as an investment adviser representative must
20 be reported to the Secretary of State within 10 business days
21 after the occurrence of the change. If the activities that
22 rendered an individual an investment adviser representative
23 for the investment adviser are terminated, the investment
24 adviser shall notify the Secretary of State in writing (which
25 may be by electronic or facsimile transmission), within 30 days
26 of the investment adviser representative's termination, using

1 the appropriate termination notice form as the Secretary of
2 State may prescribe by rule or order.

3 A registered investment adviser representative may
4 transfer his or her registration under this Section 8 for the
5 unexpired term of the registration from one registered
6 investment adviser to another by the giving of notice of the
7 transfer by the new investment adviser to the Secretary of
8 State in the form and subject to the conditions as the
9 Secretary of State shall prescribe. The new registered
10 investment adviser shall promptly file an application for
11 registration of the investment adviser representative as
12 provided in this subsection, accompanied by the Securities
13 Audit and Enforcement Fund fee prescribed by paragraph (7) of
14 this subsection D-5.

15 E. (1) Subject to the provisions of subsection F of Section
16 11 of this Act, the registration of a dealer, limited Canadian
17 dealer, salesperson, investment adviser, or investment adviser
18 representative may be denied, suspended or revoked if the
19 Secretary of State finds that the dealer, limited Canadian
20 dealer, Internet portal, salesperson, investment adviser, or
21 investment adviser representative or any principal officer,
22 director, partner, member, trustee, manager or any person who
23 performs a similar function of the dealer, limited Canadian
24 dealer, Internet portal, or investment adviser:

25 (a) has been convicted of any felony during the 10 year

1 period preceding the date of filing of any application for
2 registration or at any time thereafter, or of any
3 misdemeanor of which fraud is an essential element;

4 (b) has engaged in any unethical practice in connection
5 with any security, or in any fraudulent business practice;

6 (c) has failed to account for any money or property, or
7 has failed to deliver any security, to any person entitled
8 thereto when due or within a reasonable time thereafter;

9 (d) in the case of a dealer, limited Canadian dealer,
10 or investment adviser, is insolvent;

11 (e) in the case of a dealer, limited Canadian dealer,
12 salesperson, or registered principal of a dealer or limited
13 Canadian dealer (i) has failed reasonably to supervise the
14 securities activities of any of its salespersons or other
15 employees and the failure has permitted or facilitated a
16 violation of Section 12 of this Act or (ii) is offering or
17 selling or has offered or sold securities in this State
18 through a salesperson other than a registered salesperson,
19 or, in the case of a salesperson, is selling or has sold
20 securities in this State for a dealer, limited Canadian
21 dealer, issuer or controlling person with knowledge that
22 the dealer, limited Canadian dealer, issuer or controlling
23 person has not complied with the provisions of this Act or
24 (iii) has failed reasonably to supervise the
25 implementation of compliance measures following notice by
26 the Secretary of State of noncompliance with the Act or

1 with the regulations promulgated thereunder or both or (iv)
2 has failed to maintain and enforce written procedures to
3 supervise the types of business in which it engages and to
4 supervise the activities of its salespersons that are
5 reasonably designed to achieve compliance with applicable
6 securities laws and regulations;

7 (f) in the case of an investment adviser, has failed
8 reasonably to supervise the advisory activities of any of
9 its investment adviser representatives or employees and
10 the failure has permitted or facilitated a violation of
11 Section 12 of this Act;

12 (g) has violated any of the provisions of this Act;

13 (h) has made any material misrepresentation to the
14 Secretary of State in connection with any information
15 deemed necessary by the Secretary of State to determine a
16 dealer's, limited Canadian dealer's, or investment
17 adviser's financial responsibility or a dealer's, limited
18 Canadian dealer's, investment adviser's, salesperson's, or
19 investment adviser representative's business repute or
20 qualifications, or has refused to furnish any such
21 information requested by the Secretary of State;

22 (i) has had a license or registration under any Federal
23 or State law regulating securities, commodity futures
24 contracts, or stock futures contracts refused, cancelled,
25 suspended, withdrawn, revoked, or otherwise adversely
26 affected in a similar manner;

1 (j) has had membership in or association with any
2 self-regulatory organization registered under the Federal
3 1934 Act or the Federal 1974 Act suspended, revoked,
4 refused, expelled, cancelled, barred, limited in any
5 capacity, or otherwise adversely affected in a similar
6 manner arising from any fraudulent or deceptive act or a
7 practice in violation of any rule, regulation or standard
8 duly promulgated by the self-regulatory organization;

9 (k) has had any order entered against it after notice
10 and opportunity for hearing by a securities agency of any
11 state, any foreign government or agency thereof, the
12 Securities and Exchange Commission, or the Federal
13 Commodities Futures Trading Commission arising from any
14 fraudulent or deceptive act or a practice in violation of
15 any statute, rule or regulation administered or
16 promulgated by the agency or commission;

17 (l) in the case of a dealer or limited Canadian dealer,
18 fails to maintain a minimum net capital in an amount which
19 the Secretary of State may by rule or regulation require;

20 (m) has conducted a continuing course of dealing of
21 such nature as to demonstrate an inability to properly
22 conduct the business of the dealer, limited Canadian
23 dealer, salesperson, investment adviser, or investment
24 adviser representative;

25 (n) has had, after notice and opportunity for hearing,
26 any injunction or order entered against it or license or

1 registration refused, cancelled, suspended, revoked,
2 withdrawn, limited, or otherwise adversely affected in a
3 similar manner by any state or federal body, agency or
4 commission regulating banking, insurance, finance or small
5 loan companies, real estate or mortgage brokers or
6 companies, if the action resulted from any act found by the
7 body, agency or commission to be a fraudulent or deceptive
8 act or practice in violation of any statute, rule or
9 regulation administered or promulgated by the body, agency
10 or commission;

11 (o) has failed to file a return, or to pay the tax,
12 penalty or interest shown in a filed return, or to pay any
13 final assessment of tax, penalty or interest, as required
14 by any tax Act administered by the Illinois Department of
15 Revenue, until such time as the requirements of that tax
16 Act are satisfied;

17 (p) (blank); ~~in the case of a natural person who is a~~
18 ~~dealer, limited Canadian dealer, salesperson, investment~~
19 ~~adviser, or investment adviser representative, has~~
20 ~~defaulted on an educational loan guaranteed by the Illinois~~
21 ~~Student Assistance Commission, until the natural person~~
22 ~~has established a satisfactory repayment record as~~
23 ~~determined by the Illinois Student Assistance Commission;~~

24 (q) has failed to maintain the books and records
25 required under this Act or rules or regulations promulgated
26 under this Act or under any requirements established by the

1 Securities and Exchange Commission or a self-regulatory
2 organization;

3 (r) has refused to allow or otherwise impeded designees
4 of the Secretary of State from conducting an audit,
5 examination, inspection, or investigation provided for
6 under Section 8 or 11 of this Act;

7 (s) has failed to maintain any minimum net capital or
8 bond requirement set forth in this Act or any rule or
9 regulation promulgated under this Act;

10 (t) has refused the Secretary of State or his or her
11 designee access to any office or location within an office
12 to conduct an investigation, audit, examination, or
13 inspection;

14 (u) has advised or caused a public pension fund or
15 retirement system established under the Illinois Pension
16 Code to make an investment or engage in a transaction not
17 authorized by that Code;

18 (v) if a corporation, limited liability company, or
19 limited liability partnership has been suspended,
20 canceled, revoked, or has failed to register as a foreign
21 corporation, limited liability company, or limited
22 liability partnership with the Secretary of State;

23 (w) is permanently or temporarily enjoined by any court
24 of competent jurisdiction, including any state, federal,
25 or foreign government, from engaging in or continuing any
26 conduct or practice involving any aspect of the securities

1 or commodities business or in any other business where the
2 conduct or practice enjoined involved investments,
3 franchises, insurance, banking, or finance;

4 (2) If the Secretary of State finds that any registrant or
5 applicant for registration is no longer in existence or has
6 ceased to do business as a dealer, limited Canadian dealer,
7 Internet portal, salesperson, investment adviser, or
8 investment adviser representative, or is subject to an
9 adjudication as a person under legal disability or to the
10 control of a guardian, or cannot be located after reasonable
11 search, or has failed after written notice to pay to the
12 Secretary of State any additional fee prescribed by this
13 Section or specified by rule or regulation, ~~or if a natural~~
14 ~~person, has defaulted on an educational loan guaranteed by the~~
15 ~~Illinois Student Assistance Commission,~~ the Secretary of State
16 may by order cancel the registration or application.

17 (3) Withdrawal of an application for registration or
18 withdrawal from registration as a dealer, limited Canadian
19 dealer, salesperson, investment adviser, or investment adviser
20 representative becomes effective 30 days after receipt of an
21 application to withdraw or within such shorter period of time
22 as the Secretary of State may determine, unless any proceeding
23 is pending under Section 11 of this Act when the application is
24 filed or a proceeding is instituted within 30 days after the
25 application is filed. If a proceeding is pending or instituted,
26 withdrawal becomes effective at such time and upon such

1 conditions as the Secretary of State by order determines. If no
2 proceeding is pending or instituted and withdrawal
3 automatically becomes effective, the Secretary of State may
4 nevertheless institute a revocation or suspension proceeding
5 within 2 years after withdrawal became effective and enter a
6 revocation or suspension order as of the last date on which
7 registration was effective.

8 F. The Secretary of State shall make available upon request
9 the date that each dealer, investment adviser, salesperson, or
10 investment adviser representative was granted registration,
11 together with the name and address of the dealer, limited
12 Canadian dealer, or issuer on whose behalf the salesperson is
13 registered, and all orders of the Secretary of State denying or
14 abandoning an application, or suspending or revoking
15 registration, or censuring the persons. The Secretary of State
16 may designate by rule, regulation or order the statements,
17 information or reports submitted to or filed with him or her
18 pursuant to this Section 8 which the Secretary of State
19 determines are of a sensitive nature and therefore should be
20 exempt from public disclosure. Any such statement, information
21 or report shall be deemed confidential and shall not be
22 disclosed to the public except upon the consent of the person
23 filing or submitting the statement, information or report or by
24 order of court or in court proceedings.

1 G. The registration or re-registration of a dealer or
2 limited Canadian dealer and of all salespersons registered upon
3 application of the dealer or limited Canadian dealer shall
4 expire on the next succeeding anniversary date of the
5 registration or re-registration of the dealer; and the
6 registration or re-registration of an investment adviser and of
7 all investment adviser representatives registered upon
8 application of the investment adviser shall expire on the next
9 succeeding anniversary date of the registration of the
10 investment adviser; provided, that the Secretary of State may
11 by rule or regulation prescribe an alternate date which any
12 dealer registered under the Federal 1934 Act or a member of any
13 self-regulatory association approved pursuant thereto, a
14 member of a self-regulatory organization or stock exchange in
15 Canada, or any investment adviser may elect as the expiration
16 date of its dealer or limited Canadian dealer and salesperson
17 registrations, or the expiration date of its investment adviser
18 registration, as the case may be. A registration of a
19 salesperson registered upon application of an issuer or
20 controlling person shall expire on the next succeeding
21 anniversary date of the registration, or upon termination or
22 expiration of the registration of the securities, if any,
23 designated in the application for his or her registration or
24 the alternative date as the Secretary may prescribe by rule or
25 regulation. Subject to paragraph (9) of subsection C of this
26 Section 8, a salesperson's registration also shall terminate

1 upon cessation of his or her employment, or termination of his
2 or her appointment or authorization, in each case by the person
3 who applied for the salesperson's registration, provided that
4 the Secretary of State may by rule or regulation prescribe an
5 alternate date for the expiration of the registration.

6 H. Applications for re-registration of dealers, limited
7 Canadian dealers, Internet portals, salespersons, investment
8 advisers, and investment adviser representatives shall be
9 filed with the Secretary of State prior to the expiration of
10 the then current registration and shall contain such
11 information as may be required by the Secretary of State upon
12 initial application with such omission therefrom or addition
13 thereto as the Secretary of State may authorize or prescribe.
14 Each application for re-registration of a dealer, limited
15 Canadian dealer, Internet portal, or investment adviser shall
16 be accompanied by a filing fee, each application for
17 re-registration as a salesperson shall be accompanied by a
18 filing fee and a Securities Audit and Enforcement Fund fee
19 established pursuant to Section 11a of this Act, and each
20 application for re-registration as an investment adviser
21 representative shall be accompanied by a Securities Audit and
22 Enforcement Fund fee established under Section 11a of this Act,
23 which shall not be returnable in any event. Notwithstanding the
24 foregoing, applications for re-registration of dealers,
25 limited Canadian dealers, Internet portals, and investment

1 advisers may be filed within 30 days following the expiration
2 of the registration provided that the applicant pays the annual
3 registration fee together with an additional amount equal to
4 the annual registration fee and files any other information or
5 documents that the Secretary of State may prescribe by rule or
6 regulation or order. Any application filed within 30 days
7 following the expiration of the registration shall be
8 automatically effective as of the time of the earlier
9 expiration provided that the proper fee has been paid to the
10 Secretary of State.

11 Each registered dealer, limited Canadian dealer, Internet
12 portal, or investment adviser shall continue to be registered
13 if the registrant changes his, her, or its form of organization
14 provided that the dealer or investment adviser files an
15 amendment to his, her, or its application not later than 30
16 days following the occurrence of the change and pays the
17 Secretary of State a fee in the amount established under
18 Section 11a of this Act.

19 I. (1) Every registered dealer, limited Canadian dealer,
20 Internet portal, and investment adviser shall make and keep for
21 such periods, such accounts, correspondence, memoranda,
22 papers, books and records as the Secretary of State may by rule
23 or regulation prescribe. All records so required shall be
24 preserved for 3 years unless the Secretary of State by rule,
25 regulation or order prescribes otherwise for particular types

1 of records.

2 (2) Every registered dealer, limited Canadian dealer,
3 Internet portal, and investment adviser shall file such
4 financial reports as the Secretary of State may by rule or
5 regulation prescribe.

6 (3) All the books and records referred to in paragraph (1)
7 of this subsection I are subject at any time or from time to
8 time to such reasonable periodic, special or other audits,
9 examinations, or inspections by representatives of the
10 Secretary of State, within or without this State, as the
11 Secretary of State deems necessary or appropriate in the public
12 interest or for the protection of investors.

13 (4) At the time of an audit, examination, or inspection,
14 the Secretary of State, by his or her designees, may conduct an
15 interview of any person employed or appointed by or affiliated
16 with a registered dealer, limited Canadian dealer, Internet
17 portal, or investment advisor, provided that the dealer,
18 limited Canadian dealer, Internet portal, or investment
19 advisor shall be given reasonable notice of the time and place
20 for the interview. At the option of the dealer, limited
21 Canadian dealer, Internet portal, or investment advisor, a
22 representative of the dealer or investment advisor with
23 supervisory responsibility over the individual being
24 interviewed may be present at the interview.

25 J. The Secretary of State may require by rule or regulation

1 the payment of an additional fee for the filing of information
2 or documents required to be filed by this Section which have
3 not been filed in a timely manner. The Secretary of State may
4 also require by rule or regulation the payment of an
5 examination fee for administering any examination which it may
6 conduct pursuant to subsection B, C, D, or D-5 of this Section
7 8.

8 K. The Secretary of State may declare any application for
9 registration or limited registration under this Section 8
10 abandoned by order if the applicant fails to pay any fee or
11 file any information or document required under this Section 8
12 or by rule or regulation for more than 30 days after the
13 required payment or filing date. The applicant may petition the
14 Secretary of State for a hearing within 15 days after the
15 applicant's receipt of the order of abandonment, provided that
16 the petition sets forth the grounds upon which the applicant
17 seeks a hearing.

18 L. Any document being filed pursuant to this Section 8
19 shall be deemed filed, and any fee being paid pursuant to this
20 Section 8 shall be deemed paid, upon the date of actual receipt
21 thereof by the Secretary of State or his or her designee.

22 M. The Secretary of State shall provide to the Illinois
23 Student Assistance Commission annually or at mutually agreed

1 periodic intervals the names and social security numbers of
2 natural persons registered under subsections B, C, D, and D-5
3 of this Section. The Illinois Student Assistance Commission
4 shall determine if any student loan defaulter is registered as
5 a dealer, limited Canadian dealer, Internet portal
6 salesperson, or investment adviser under this Act and report
7 its determination to the Secretary of State or his or her
8 designee.

9 (Source: P.A. 99-182, eff. 1-1-16.)

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.

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