

1 AN ACT relating to the practice of electrology.

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

4 Section 1. Short title. This Act may be cited as the
5 Electrologist Practice Act.

6 Section 5. Purposes. The practice of electrology in the
7 State of Illinois is hereby declared to affect the public
8 health, safety, and welfare and to be subject to regulation
9 and control in the public interest.

10 It is declared to be a matter of public health and
11 concern that the practice of electrology, as defined in this
12 Act, merit and receive the confidence of the public and that
13 only qualified persons be authorized to practice as
14 electrologists in the State of Illinois. This Act shall be
15 liberally construed to best carry out these subjects and
16 purposes.

17 Section 10. Definitions. In this Act:

18 "Board" means the Electrologist Licensing Board created
19 under Section 45 of this Act.

20 "Department" means the Department of Professional
21 Regulation.

22 "Director" means the Director of Professional Regulation.

23 "Electrologist" means an individual who is licensed under
24 this Act.

25 "Electrology" means the practice or teaching of permanent
26 hair removal utilizing only solid probe electrode type
27 epilation, which may include thermolysis (shortwave, high
28 frequency), electrolysis (galvanic), or a combination of both
29 (superimposed or sequential blend).

1 Section 15. Exemptions. This Act does not prohibit:

2 (1) A person licensed in this State under any other Act
3 from engaging in the practice for which that person is
4 licensed.

5 (2) The practice of electrology by a person who is
6 employed by the United States government or any bureau,
7 division, or agency thereof while in the discharge of the
8 employee's official duties.

9 (3) The practice of electrology included in a program of
10 study by students enrolled in schools or in refresher courses
11 approved by the Department.

12 Section 20. Application. Applications for original
13 licenses shall be made to the Department in writing on forms
14 prescribed by the Department and shall be accompanied by the
15 required fee, which is not refundable. The application shall
16 require any information as, in the judgment of the
17 Department, will enable the Department to pass on the
18 qualifications of the applicant for a license. The
19 application shall include evidence of passage of an
20 examination recognized by the Department.

21 Section 25. Qualifications for license. A person is
22 qualified for licensure as an electrologist if that person
23 meets all of the following requirements:

24 (1) The person has applied in writing in form and
25 substance satisfactory to the Department and has not
26 violated any of the provisions of Section 75 of this Act
27 or the rules promulgated under this Act. The Department
28 may take into consideration any felony conviction of the
29 applicant but a conviction shall not operate as an
30 absolute bar to licensure.

31 (2) The person has completed an electrology
32 education program as defined by the rules of the

1 Department.

2 (3) The person has successfully completed an
3 examination recognized by the Department.

4 Section 30. Electrologist registration; licensure.

5 (a) For a period of one year beginning on January 1,
6 2002, a person who has practiced electrology before January
7 1, 2002 may register with the Department as an electrologist
8 if he or she:

9 (1) completes and submits to the Department the
10 necessary forms furnished by the Department along with a
11 registration fee determined by Departmental rule; and

12 (2) submits proof satisfactory to the Department of
13 proficiency in electrology.

14 (b) Beginning January 1, 2003, a person who practices
15 electrology must be licensed by the Department and meet all
16 the requirements of this Act.

17 Section 35. Duties of the Department. Subject to the
18 provisions of this Act, the Department shall:

19 (1) Promulgate rules setting forth standards to be
20 met by a school or institution offering a course of
21 training for electrologists before the approval of the
22 school or institution.

23 (2) Promulgate rules setting forth uniform and
24 reasonable standards of instruction to be met before the
25 approval of a course of instruction for electrologists.

26 (3) Determine the reputability and good standing of
27 schools or institutions and their courses of instruction
28 for electrologists by reference to compliance with the
29 rules. No school of electrology that refuses admittance
30 to applicants solely on account of race, color, sex, or
31 creed shall be considered reputable and in good standing.

1 Section 40. Administrative Procedure Act. The Illinois
2 Administrative Procedure Act is hereby expressly adopted and
3 incorporated in this Act as if all of the provisions of the
4 Illinois Administrative Procedure Act were included in this
5 Act, except that the provision of paragraph (c) of Section
6 10-65 of the Illinois Administrative Procedure Act, which
7 provides that at hearings the licensee has the right to show
8 compliance with all lawful requirements for retention,
9 continuation, or renewal of the license, is specifically
10 excluded. For the purposes of this Act, the notice required
11 under Section 10-25 of the Illinois Administrative Procedure
12 Act is considered to be sufficient when mailed to the last
13 known address of the party.

14 Section 45. Electrologist Licensing Board. The Director
15 shall appoint an Electrologist Licensing Board consisting of
16 5 persons who shall serve in an advisory capacity to the
17 Director. One member must be a physician licensed to
18 practice medicine in all of its branches in this State; 3
19 members must be licensed electrologists in good standing and
20 actively engaged in the practice of electrology in this
21 State; and one member must be a public member who is not
22 licensed under this Act or a similar Act of another
23 jurisdiction, and is not a licensed health care professional.

24 Members shall serve 4-year terms and until their
25 successors are appointed and have qualified; except that of
26 the initial appointments 2 shall be appointed to serve for 2
27 years, 2 shall be appointed to serve for 3 years, and the
28 public member shall be appointed to serve for 4 years, and
29 until their successors are appointed and have qualified. No
30 member shall be reappointed to the Board for more than 2
31 terms. Appointments to fill vacancies shall be made in the
32 same manner as original appointments, for the unexpired
33 portion of the vacated term. Initial terms shall begin upon

1 the date of appointment.

2 The membership of the Board should reasonably reflect
3 representation from the various geographic areas in this
4 State.

5 The Director may terminate the appointment of any member
6 for cause that, in the opinion of the Director, reasonably
7 justifies a termination.

8 The Director shall consider the recommendations of the
9 Board on questions involving standards of professional
10 conduct, discipline, and qualifications of candidates and
11 license holders under this Act.

12 Section 50. Issuance of license. Upon the satisfactory
13 completion of the application and examination procedures, and
14 compliance with the applicable rules of the Department, the
15 Department shall issue an electrologist license to the
16 qualifying applicant.

17 Section 55. Endorsement. Pursuant to the rules of the
18 Department, upon payment of the required fee, an applicant
19 who has been licensed in another state that has substantially
20 the same requirements as those required for licensure under
21 the provisions of this Act may be granted a license as an
22 electrologist.

23 Section 60. Renewal; armed service duty. The expiration
24 date and renewal period for each license issued under this
25 Act shall be set by rule. Renewal shall be conditioned on
26 paying the required fee and meeting other requirements as may
27 be established by rule.

28 Any electrologist who has permitted a license to expire
29 or who has a license on inactive status may have the license
30 restored by submitting an application to the Department,
31 filing proof acceptable to the Department of fitness to have

1 the license restored, and paying the required fees. Proof of
2 fitness may include sworn evidence certifying to active
3 lawful practice in another jurisdiction.

4 The Department shall determine, by an evaluation process
5 established by rule, a person's fitness for restoration of a
6 license and shall establish procedures and requirements for
7 restoration.

8 Any electrologist whose license expired while (i) on
9 active duty with the Armed Forces of the United States, or
10 the State Militia called into service or training, or (ii) in
11 training or education under the supervision of the United
12 States preliminary to induction into the military service,
13 may have the license restored without paying any lapsed
14 renewal fees if, within 2 years after honorable termination
15 of service, training or education, the licensee furnishes the
16 Department with satisfactory evidence to the effect that the
17 licensee has been so engaged and that the service, training,
18 or education has been so terminated.

19 Section 65. Inactive status. Any electrologist who
20 notifies the Department in writing on forms prescribed by the
21 Department may elect to place a license on inactive status
22 and shall, subject to rules of the Department, be excused
23 from payment of renewal fees until the Department is notified
24 in writing of the intention to restore the license.

25 An electrologist requesting restoration from inactive
26 status shall be required to pay the current renewal fee and
27 shall be required to follow procedures to restore the license
28 as provided in Section 60 of this Act.

29 An electrologist whose license is on inactive status
30 shall not practice in the State of Illinois.

31 A licensee who engages in practice with a lapsed license
32 or a license on inactive status shall be considered to be
33 practicing without a license, which shall be grounds for

1 discipline under Section 75 of this Act.

2 Section 70. Fees. The Department, by rule, shall
3 establish fees to be imposed for a license application,
4 renewal of a license, restoration of a license other than
5 from inactive status, or for the issuance of a duplicate
6 license, replacement license, or a license that has been lost
7 or destroyed. All fees are non-refundable.

8 Section 75. Grounds for discipline.

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

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

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

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

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

25 (5) Professional incompetence.

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

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

30 (8) Engaging in dishonorable, unethical, or
31 unprofessional conduct of a character likely to deceive,
32 defraud, or harm the public.

1 (9) Habitual or excessive use or addiction to
2 alcohol, narcotics, stimulants, or any other chemical
3 agent or drug that results in an electrologist's
4 inability to practice with reasonable judgement, skill,
5 or safety.

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

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

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

18 (13) Abandonment of a patient.

19 (14) Willfully making or filing false records or
20 reports in the licensee's practice, including, but not
21 limited to, false records filed with State agencies or
22 departments.

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

27 (16) Gross malpractice resulting in permanent
28 injury or death of a patient.

29 (17) Use of fraud, deception, or any unlawful means
30 in applying for and securing a license as an
31 electrologist.

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

1 (19) Failure to comply with standards of
2 sterilization and sanitation as defined in the rules of
3 the Department.

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

11 (c) The determination by a circuit court that a licensee
12 is subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code operates as an automatic suspension. The suspension
15 will end only upon a finding by a court that the patient is
16 no longer subject to involuntary admission or judicial
17 admission, the issuance of an order so finding and
18 discharging the patient, and the recommendation of the
19 Committee to the Director that the licensee be allowed to
20 resume his or her practice.

21 Section 80. Dishonored checks. A person who issues or
22 delivers a check or other order to the Department that is not
23 honored on 2 occasions by the financial institution upon
24 which it is drawn because of insufficient funds on account,
25 the account is closed, or a stop payment has been placed on
26 the check or order shall pay to the Department, in addition
27 to the amount owing upon the check or other order, a fee of
28 \$50. If the check or other order was issued or delivered in
29 payment of a renewal fee, and the person whose license has
30 lapsed continues to practice as an electrologist without
31 paying the renewal fee and the \$50 fee required under this
32 Section, an additional fee of \$100 shall be imposed. The
33 fees imposed by this Section are in addition to any other

1 penalties imposed by this Act for practice without a license.
2 The Department shall notify the person whose license has
3 lapsed, within 30 days after the discovery of the lapse, that
4 the individual is engaged in unauthorized practice as an
5 electrologist, and of the amount due to the Department,
6 including the lapsed renewal fee and all other fees required
7 by this Section. If, after the expiration of 30 days after
8 the date of notification, the person whose license has lapsed
9 seeks a current license, he or she must apply to the
10 Department for restoration of the license and pay all fees
11 due to the Department. The Department may establish a fee
12 for the processing of an application for restoration of a
13 license that allows the Department to pay all costs and
14 expenses incident to the processing of the application. The
15 Director may waive the fees due under this Section in
16 individual cases where he or she finds that the fees would be
17 unreasonable or unnecessarily burdensome.

18 Section 85. Violations; injunctions.

19 (a) If any person violates any provision of this Act,
20 the Director may, in the name of the People of the State of
21 Illinois through the Attorney General of the State of
22 Illinois or the State's Attorney of any county in which the
23 action is brought, petition for an order enjoining the
24 violation or for an order enforcing compliance with this Act.
25 Upon the filing of a verified petition in court, the court
26 may issue a temporary restraining order, without notice or
27 bond, and may preliminarily and permanently enjoin the
28 violation. If it is established that the person has violated
29 or is violating the injunction, the Court may punish the
30 offender for contempt of court. Proceedings under this
31 Section shall be in addition to, and not in lieu of, all
32 other remedies and penalties provided by this Act.

33 (b) If a person practices as an electrologist or holds

1 himself or herself out as an electrologist without being
2 licensed under the provisions of this Act, then any licensed
3 electrologist, any interested party, or any person injured
4 thereby may, in addition to the Director, petition for relief
5 as provided in subsection (a) of this Section.

6 (c) Whenever, in the opinion of the Department, a person
7 violates any provision of this Act, the Department may issue
8 a rule to show cause why an order to cease and desist should
9 not be entered against that person. The rule shall clearly
10 set forth the grounds relied upon by the Department and shall
11 provide a period of 7 days after the date of the rule to file
12 an answer to the satisfaction of the Department. Failure to
13 answer to the satisfaction of the Department shall cause an
14 order to cease and desist to be issued immediately.

15 Section 90. Investigations; notice. The Department may
16 investigate the actions of an applicant or a person holding
17 or claiming to hold a license. The Department shall, before
18 suspending, revoking, placing on probationary status, or
19 taking any other disciplinary action as the Department may
20 consider proper with regard to any license, at least 30 days
21 before the date set for the hearing, notify the accused in
22 writing of any charges made and the time and place for a
23 hearing on the charges before the Board. The Department shall
24 direct the accused to file a written answer with the Board
25 under oath within 20 days after the service of the notice,
26 and inform the accused that failure to file an answer will
27 result in default being taken and that the accused's license
28 may be suspended, revoked, or placed on probationary status,
29 and other disciplinary action may be taken, including
30 limiting the scope, nature, or extent of practice, as the
31 Department may consider proper. The written notice may be
32 served by personal delivery or certified or registered mail
33 at the address of the person's last notification to the

1 Department. At the time and place fixed in the notice, the
2 Department shall proceed to hear the charges and the parties
3 shall be accorded ample opportunity to present any
4 statements, testimony, evidence, and argument as may be
5 pertinent to the charges or their defense. The Department may
6 continue the hearing from time to time. In case the accused
7 person, after receiving notice, fails to file an answer, his
8 or her license, in the discretion of the Director, having
9 first received the recommendation of the Board, may be
10 suspended, revoked, or placed on probationary status, and the
11 Director may take whatever disciplinary action he or she may
12 consider proper, including limiting the scope, nature, or
13 extent of the person's practice, without a hearing, if the
14 act or acts charged constitute sufficient grounds for this
15 action under this Act.

16 Section 95. Record of proceedings. The Department, at
17 its expense, shall preserve a record of all proceedings at
18 the formal hearing of any case involving the refusal to issue
19 or renew a license, or the discipline of a licensee. The
20 notice of hearing, the complaint and all other documents in
21 the nature of pleadings and written motions filed in the
22 proceedings, the transcript of testimony, the report of the
23 Board or hearing officer, and the orders of the Department
24 shall be included in the record of the proceeding.

25 Section 100. Required testimony. Upon application of
26 the Department or its designee, or of the person against whom
27 proceedings pursuant to Section 70 of this Act are pending,
28 any circuit court may enter an order requiring the
29 attendance of witnesses and their testimony, and the
30 production of documents, paper, files, books, and records in
31 connection with any hearing or investigation. The court may
32 compel obedience to its order by proceedings for contempt.

1 Section 105. Subpoena power; oaths. The Department has
2 power to subpoena and bring before it any person in this
3 State and to take testimony either orally, by deposition, or
4 both, with the same fees and mileage and in the same manner
5 as prescribed by law in judicial proceedings in civil cases
6 in circuit courts of this State.

7 The Director, and any member of the Board designated by
8 the Director, may administer oaths to witnesses at any
9 hearing that the Department is authorized to conduct under
10 this Act and any other oaths required or authorized to be
11 administered by the Department.

12 Section 110. Board report. At the conclusion of the
13 hearing, the Board shall present to the Director a written
14 report of its findings of fact, conclusions of law, and
15 recommendations. The report shall contain a finding of
16 whether or not the accused person violated this Act or failed
17 to comply with the conditions required in this Act. The
18 Board shall specify the nature of the violation or failure to
19 comply, and shall make its recommendations to the Director.

20 The report of findings of fact, conclusions of law, and
21 recommendation of the Board shall be the basis for the
22 Department's order for refusal or for the granting of a
23 license. If the Director disagrees in any regard with the
24 report of the Board, the Director may issue an order in
25 contravention of the report. The Director shall provide a
26 written explanation to the Board on any deviation from the
27 report and shall specify with particularity the reasons for
28 this action in the final order. The finding is not admissible
29 in evidence against the person in a criminal prosecution
30 brought for the violation of this Act, but the hearing and
31 finding are not a bar to a criminal prosecution brought for
32 the violation of this Act.

1 Section 115. Hearing officer. Notwithstanding the
2 provisions of Section 90 of this Act, the Director has the
3 authority to appoint any attorney duly licensed to practice
4 law in the State of Illinois to serve as the hearing officer
5 in any action for refusal to issue or renew a license, or the
6 discipline of a licensee. The Director shall notify the
7 Board of an appointment of a hearing officer. The hearing
8 officer has full authority to conduct the hearing. The
9 hearing officer shall report his or her findings of fact,
10 conclusions of law, and recommendations to the Board and the
11 Director. The Board shall have 60 days after receipt of the
12 report to review the report of the hearing officer and
13 present its findings of fact, conclusions of law, and
14 recommendations to the Director. If the Board fails to
15 present its report within the 60-day period, the Director
16 shall issue an order based on the report of the hearing
17 officer. If the Director disagrees in any regard with the
18 report of the Board or hearing officer, he or she may issue
19 an order in contravention of the report. The Director shall
20 provide a written explanation to the Board on any deviation
21 from the report, and shall specify with particularity the
22 reasons for that action in the final order.

23 Section 120. Service of report. In any case involving
24 the refusal to issue or renew a license, or the discipline of
25 a licensee, a copy of the Board's report shall be served upon
26 the respondent by the Department, either personally or as
27 provided in this Act for the service of the notice of
28 hearing. Within 20 days after service, the respondent may
29 present to the Department a motion in writing for a rehearing
30 which shall specify the particular grounds for rehearing. If
31 no motion for rehearing is filed, then upon the expiration of
32 the time specified for filing a motion, or if a motion for
33 rehearing is denied, then upon denial, the Director may enter

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

7 Section 125. Rehearing. Whenever the Director is not
8 satisfied that substantial justice has been done in the
9 revocation, suspension, or refusal to issue or renew a
10 license, the Director may order a rehearing by the same or
11 another hearing officer or by the Board.

12 Section 130. Order or certified copy as prima facie
13 proof. An order or a certified copy thereof, over the seal
14 of the Department and purporting to be signed by the
15 Director, shall be prima facie proof:

16 (1) that the signature is the genuine signature of
17 the Director;

18 (2) that the Director is duly appointed and
19 qualified; and

20 (3) that the Board and its members are qualified to
21 act.

22 Section 135. License restoration. At any time after the
23 suspension or revocation of a license the Department may
24 restore it to the accused person, unless after an
25 investigation and a hearing the Department determines that
26 restoration is not in the public interest.

27 Section 140. Surrender of license. Upon the revocation
28 or suspension of any license, the licensee shall immediately
29 surrender the license to the Department, and if the licensee
30 fails to do so, the Department has the right to seize the

1 license.

2 Section 145. Temporary suspension. The Director may
3 temporarily suspend the license of an electrologist without a
4 hearing, simultaneously with the institution of proceedings
5 for a hearing under Section 90 of this Act, if the Director
6 finds that evidence in his or her possession indicates that
7 continuation in practice would constitute an imminent danger
8 to the public. In the event that the Director temporarily
9 suspends a license without a hearing, a hearing by the
10 Department must be held within 30 days after the suspension
11 has occurred, and concluded without appreciable delay.

12 Section 150. Administrative Review Law. All final
13 administrative decisions of the Department are subject to
14 judicial review under the Administrative Review Law and its
15 rules. The term "administrative decision" is defined as in
16 Section 3-101 of the Code of Civil Procedure.

17 Proceedings for judicial review shall be commenced in the
18 circuit court of the county in which the party applying for
19 review resides. If the party is not a resident of this State,
20 venue shall be in Sangamon County.

21 Section 155. Certification of record. The Department
22 shall not be required to certify any record to the court,
23 file any answer in court, or otherwise appear in any court in
24 a judicial review proceedings unless there is filed in the
25 court, with the complaint, a receipt from the Department
26 acknowledging payment of the costs of furnishing and
27 certifying the record. Failure on the part of the plaintiff
28 to file a receipt in court is grounds for dismissal of the
29 action.

30 Section 160. Penalties. A person who is found to have

1 knowingly violated any provision of this Act is guilty of a
2 Class A misdemeanor. On conviction of a second or subsequent
3 offense the violator is guilty of a Class 4 felony.

4 Section 165. Deposit of fees and fines. All of the fees
5 and fines collected under this Act shall be deposited into
6 the General Professions Dedicated Fund.

7 Section 170. Home rule. The regulation and licensing of
8 electrologists are exclusive powers and functions of the
9 State. A home rule unit may not regulate or license
10 electrologists. This Section is a denial and limitation of
11 home rule powers and functions under subsection (h) of
12 Section 6 of Article VII of the Illinois Constitution.

13 Section 900. The Regulatory Sunset Act is amended by
14 adding Section 4.22 as follows:

15 (5 ILCS 80/4.22 new)

16 Sec. 4.22. Act repealed on January 1, 2012. The
17 following Act is repealed on January 1, 2012:

18 The Electrologist Practice Act.

19 Section 999. Effective date. This Act takes effect
20 January 1, 2002.