

AN ACT concerning mental health.

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

Article 1.

Section 1-1. Short title. This Article may be cited as the Ensuring a More Qualified, Competent, and Diverse Community Behavioral Health Workforce Act. References in this Article to "this Act" mean this Article.

Section 1-5. Findings. The General Assembly Finds that:

(1) The behavioral health workforce shortage, already at dire levels before 2020, has been exacerbated by the COVID-19 pandemic and is at a crisis point.

(2) Behavioral health workforce shortages, particularly licensed clinical staff, staff turnover in all positions, and workforce development are major concerns in the behavioral health field.

(3) By 2026, unfilled mental healthcare jobs in Illinois are expected to reach 8,353, according to Mercer's 2021 External Healthcare Labor Market Analysis.

(4) Community based mental health agencies often serve as training or supervision sites for interns and new entrants to the workforce seeking supervision hours to

meet licensure requirements. These professionals are mandated to complete up to 3000 hours of supervised clinical experience. This places financial and time-resource hardships on these already lean organizations to provide the supervision.

(5) Many new mental health clinicians have to pay an estimated \$10,000-\$30,000 in fees for supervision according to Motivo. The amount is unaffordable for many students, particularly lower-income students, who graduate with tens of thousands of dollars in debt.

(6) Community mental health agencies frequently serve the most complex and chronically ill behavioral health clients, which can be a challenging population for new entrants to the workforce. Many times, professionals leave for better-paid opportunities with lower acuity patients after completing their facility-sponsored supervision requirements.

(7) The lack of compensation for serving as a training or supervision site and staff turnover adversely impact the ability of agencies to better prepare the workforce and meet the needs of their behavioral health clients.

(8) Recognizing and providing financial support for this function will help community-based agencies provide more training or supervision opportunities and may also assist with recruiting and retaining professionals at these sites.

(9) Providing financial support for this role would help to address reductions in standard clinical productivity as a result of time spent supervising new workers, enabling better absorption of the costs of high turnover, or allowing for these settings to staff appropriately to support training or supervision.

(10) For individuals seeking their licensure, roadblocks to supervision include cost-prohibitive fees, difficulty finding supervisors, and an even greater supervisor shortage in rural areas.

(11) Beyond fulfilling the required hours to get licensed, clinical supervision has a profound impact on the trajectory of an individual's career and the lives of their clients. Ultimately, effective clinical supervision helps ensure that clients are competently served.

(12) At a time when behavioral health providers report crisis level wait lists that force individuals seeking care to wait for months before they receive care, now more than ever, we need immediate solutions to help strengthen our State's behavioral health workforce.

Section 1-10. Grant awards. To develop and enhance professional development opportunities and diversity in the behavioral health field, and increase access to quality care, the Department of Human Services, Division of Mental Health, shall award grants or contracts to community mental health

centers or behavioral health clinics licensed or certified by the Department of Human Services or the Department of Healthcare and Family Services to establish or enhance training and supervision of interns and behavioral health providers-in-training pursuing licensure as a licensed clinical social worker, licensed clinical professional counselor, and licensed marriage and family therapist.

Section 1-15. Use of funds. An eligible entity receiving a grant or contract under this Act shall use funds received through the grant or contract to establish new, or enhance existing, training, and supervision of interns and behavioral health providers-in-training pursuing licensure as a licensed clinical social worker, licensed clinical professional counselor, and licensed marriage and family therapist.

Section 1-20. Priority. In awarding grants and contracts under this Act, the Department of Human Services, Division of Mental Health, shall give priority to eligible entities in underserved urban areas and rural areas of the State.

Section 1-25. Grant terms. A grant or contract awarded under this Act shall be for a period of 3 years. Nothing in the Act precludes grantees to reapply for additional rounds of funding.

Section 1-30. Application submission. An entity seeking a grant or contract under this Act shall submit an application at such time, in such manner, and accompanied by such information as the Department of Human Services, Division of Mental Health, may require. Requirements by the Department of Human Services, Division of Mental Health shall be done in a way that ensures minimum additional administrative work.

Section 1-35. Reporting. Reporting requirements for the grant agreement shall be set forth by the Department of Human Services, Division of Mental Health.

Section 1-40. Funding. Funding for the grants or contracts is subject to appropriation.

Article 3.

Section 3-1. Short title. This Article may be cited as the Recovery and Mental Health Tax Credit Act. References in this Article to "this Act" mean this Article.

Section 3-5. Findings.

(a) In the interest of reducing stigma and increasing the available pool of potential employees, the General Assembly finds and declares that those residents of Illinois diagnosed with mental illness and substance use disorders should be

eligible for and encouraged to seek gainful employment.

(b) The General Assembly finds and declares that minority communities in this State have been more negatively impacted in employment opportunities for minority residents diagnosed with mental illness and substance use disorders and should receive additional employment opportunities and incentives for employing minority residents diagnosed with mental illness or substance use disorders.

(c) Due to the COVID-19 public health emergency, employers in the State of Illinois have suffered negative economic impacts, a loss in workforce, staffing difficulties, and have found it difficult to recruit new workers.

(d) In the interest of providing additional employment opportunities for those residents of Illinois diagnosed with mental illness or substance use disorders and expanding the pool of potential workers in this State, the General Assembly finds and declares that certain qualified employers who employ eligible individuals should be eligible for a tax credit.

Section 3-10. Definitions. As used in this Act:

"Department" means the Department of Human Services.

"Eligible individual" means an individual with a substance use disorder, as that term is defined under Section 1-10 of the Substance Use Disorder Act, or an individual with a mental illness as that term is defined under Section 1-129 of the Mental Health and Developmental Disabilities Code, who is in a

state of wellness and recovery where there is an abatement of signs and symptoms that characterize active substance use disorder or mental illness and has demonstrated to the qualified employer's satisfaction, pursuant to rules adopted by the Department, that he or she has completed a course of treatment or is currently in receipt of treatment for such substance use disorder or mental illness. A relapse in an individual's state of wellness shall not make the individual ineligible, so long as the individual shows a continued commitment to recovery that aligns with an individual's relapse prevention plan, discharge plan, or recovery plan.

"Qualified employer" means an employer operating within the State that has received a certificate of tax credit from the Department after the Department has determined that the employer:

- (1) provides a recovery supportive environment for their employees evidenced by a formal working relationship with a substance use disorder treatment provider or facility or mental health provider or facility, each as may be licensed or certified within the State of Illinois, and providing reasonable accommodation to the employees to address their substance use disorder or mental illness, all at no cost or expense to the eligible individual; and

- (2) satisfies all other criteria in this Section and established by the Department to participate in the recovery tax program created hereunder.

"Taxpayer" means any individual, corporation, partnership, trust, or other entity subject to the Illinois income tax. For the purposes of this Act, 2 individuals filing a joint return shall be considered one taxpayer.

Section 3-15. Authorization of tax credit program for individuals in recovery from substance use disorders or mental illness.

(a) For taxable years beginning on or after January 1, 2023, the Department is authorized to and shall establish and administer a recovery tax credit program to provide tax incentives to qualified employers who employ eligible individuals in recovery from a substance use disorder or mental illness in part-time and full-time positions within Illinois. The Department shall award the tax credit by issuance of a certificate of tax credit to the qualified employer, who will present the certificate of tax credit to the Department of Revenue by attaching the certificate to its tax return, as a credit against the qualified employer's income tax liability in accordance with the Illinois Income Tax Act. The Department shall maintain an electronic listing of the certificates issued by which the Department of Revenue may verify tax credit certificates issued.

(b) To be a qualified employer, an employer must apply annually to the Department to claim a credit based upon eligible individuals employed during the preceding calendar

year, using the forms prescribed by the Department. To be approved for a credit under this Act, the employer must:

(1) agree to provide to the Department the information necessary to demonstrate that the employer has satisfied program eligibility requirements and provided all information requested or needed by the Department, including the number of hours worked by the eligible individual and other information necessary for the Department to calculate the amount of credit permitted; and

(2) agree to provide names, employer identification numbers, amounts that the employer may claim, and other information necessary for the Department to calculate any tax credit.

(c) To be an eligible individual, the individual must be diagnosed with or have been diagnosed with a substance use disorder or mental illness. Disclosure by the eligible individual of his or her mental illness or substance use disorder shall be completely voluntary and his or her health information may not be shared or disclosed under this Act without the eligible individual's express written consent. The eligible individual must have been employed by the qualified employer in this State for a minimum of 500 hours during the applicable calendar year and the tax credit may only begin on the date the eligible individual is hired by the qualified employer and ending on December 31 of that calendar year or the

date that the eligible individual's employment with the qualified employer ends, whichever occurs first. Only one tax credit may be awarded for any eligible individual while employed by the same or related qualified employer. The hours of employment of 2 or more eligible individuals may not be aggregated to reach the minimum number of hours. If an eligible individual has worked in excess of 500 hours between the date of hiring and December 31 of that year, a qualified employer can elect to compute and claim a credit for such eligible individual in that year based on the hours worked by December 31. Alternatively, the qualified employer may elect to include such individual in the computation of the credit in the year immediately succeeding the year in which the eligible individual was hired. In that case, the credit shall be computed on the basis of all hours worked by the eligible individual from the date of hire to the earlier of the last day of employment or December 31 of the succeeding year.

(d) If Department criteria and all other requirements are met, a qualified employer shall be entitled to a tax credit equal to the product of \$1 and the number of hours worked by each eligible individual during the eligible individual's period of employment with the qualified employer. The tax credit awarded under this Act may not exceed \$2,000 per eligible individual employed by the qualified employer in this State. In determining the amount of tax credit that any qualified employer may claim, the Department shall review all

claims submitted for credit by all employers and, to the extent that the total amount claimed by employers exceeds the amount allocated for this program in that calendar year, shall issue tax credits on a pro rata basis corresponding to each qualified employer's share of the total amount claimed.

(e) The aggregate amount of all credits the Department may award under this Act in any calendar year may not exceed \$2,000,000.

(f) A taxpayer who is a qualified employer who has received a certificate of tax credit from the Department shall be allowed a credit against the tax imposed equal to the amount shown on such certificate of tax credit.

(g) The credit must be claimed in the taxable year in which the tax credit certificate is issued. The credit cannot reduce a taxpayer's liability to less than zero. If the amount of the credit exceeds the tax liability for the year, the credit may not be carried forward.

(h) If the taxpayer is a partnership or Subchapter S corporation the credit shall be allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(i) In carrying out this Act, no patient-specific information shall be shared or disclosed. Any individual or patient-specific information collected by the Department or the Department of Revenue shall not be subject to public

disclosure or Freedom of Information Act requests.

(j) The credit under this Act is exempt from the provisions of Section 250 of the Illinois Income Tax Act.

Section 3-20. Advisory Council on Mental Illness and Substance Use Disorder Impacts on Employment Opportunities within Minority Communities. The Secretary of the Department shall appoint the Advisory Council on Mental Illness and Substance Use Disorder Impacts on Employment Opportunities within Minority Communities, to be composed of 15 members, which shall include a balanced representation of recipients, services providers, employers, local governmental units, community and welfare advocacy groups, academia, and the general public. The Advisory Council shall advise the Department regarding all aspects of employment impacts resulting from mental illnesses and substance use disorders within minority communities, tax credits, outreach, marketing, and education about the tax credit and employment opportunities, and other areas as deemed appropriate by the Secretary. In appointing the first Council, the Secretary shall name 8 members to terms of 2 years and 7 members to serve terms of 4 years, all of whom shall be appointed within 6 months of the effective date of this Act. All members appointed thereafter shall serve terms of 4 years. Members shall serve without compensation other than reimbursement of expenses actually incurred in the performance of their

official duties. At its first meeting, the Advisory Council shall select a chair from among its members. The Advisory Council shall meet at least quarterly and at other times at the call of the chair.

Section 3-25. Powers. The Department shall adopt rules for the administration of this Act. The Department may enter into an intergovernmental agreement with the Department of Revenue for the administration of this Act.

Section 3-30. The Illinois Income Tax Act is amended by adding Section 232 as follows:

(35 ILCS 5/232 new)

Sec. 232. Recovery and Mental Health Tax Credit Act. For taxable years beginning on or after January 1, 2023, a taxpayer who has been awarded a credit under the Recovery and Mental Health Tax Credit Act is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 as provided in that Act. This Section is exempt from the provisions of Section 250.

Article 5.

Section 5-5. The Specialized Mental Health Rehabilitation Act of 2013 is amended by changing Sections 1-102 and 2-102.5

as follows:

(210 ILCS 49/1-102)

Sec. 1-102. Definitions. For the purposes of this Act, unless the context otherwise requires:

"Abuse" means any physical or mental injury or sexual assault inflicted on a consumer other than by accidental means in a facility.

"Accreditation" means any of the following:

- (1) the Joint Commission;
 - (2) the Commission on Accreditation of Rehabilitation Facilities;
 - (3) the Healthcare Facilities Accreditation Program;
- or
- (4) any other national standards of care as approved by the Department.

"APRN" means an Advanced Practice Registered Nurse, nationally certified as a mental health or psychiatric nurse practitioner and licensed under the Nurse Practice Act.

"Applicant" means any person making application for a license or a provisional license under this Act.

"Consumer" means a person, 18 years of age or older, admitted to a mental health rehabilitation facility for evaluation, observation, diagnosis, treatment, stabilization, recovery, and rehabilitation.

"Consumer" does not mean any of the following:

- (i) an individual requiring a locked setting;
- (ii) an individual requiring psychiatric hospitalization because of an acute psychiatric crisis;
- (iii) an individual under 18 years of age;
- (iv) an individual who is actively suicidal or violent toward others;
- (v) an individual who has been found unfit to stand trial;
- (vi) an individual who has been found not guilty by reason of insanity based on committing a violent act, such as sexual assault, assault with a deadly weapon, arson, or murder;
- (vii) an individual subject to temporary detention and examination under Section 3-607 of the Mental Health and Developmental Disabilities Code;
- (viii) an individual deemed clinically appropriate for inpatient admission in a State psychiatric hospital; and
- (ix) an individual transferred by the Department of Corrections pursuant to Section 3-8-5 of the Unified Code of Corrections.

"Consumer record" means a record that organizes all information on the care, treatment, and rehabilitation services rendered to a consumer in a specialized mental health rehabilitation facility.

"Controlled drugs" means those drugs covered under the federal Comprehensive Drug Abuse Prevention Control Act of

1970, as amended, or the Illinois Controlled Substances Act.

"Department" means the Department of Public Health.

"Discharge" means the full release of any consumer from a facility.

"Drug administration" means the act in which a single dose of a prescribed drug or biological is given to a consumer. The complete act of administration entails removing an individual dose from a container, verifying the dose with the prescriber's orders, giving the individual dose to the consumer, and promptly recording the time and dose given.

"Drug dispensing" means the act entailing the following of a prescription order for a drug or biological and proper selection, measuring, packaging, labeling, and issuance of the drug or biological to a consumer.

"Emergency" means a situation, physical condition, or one or more practices, methods, or operations which present imminent danger of death or serious physical or mental harm to consumers of a facility.

"Facility" means a specialized mental health rehabilitation facility that provides at least one of the following services: (1) triage center; (2) crisis stabilization; (3) recovery and rehabilitation supports; or (4) transitional living units for 3 or more persons. The facility shall provide a 24-hour program that provides intensive support and recovery services designed to assist persons, 18 years or older, with mental disorders to develop

the skills to become self-sufficient and capable of increasing levels of independent functioning. It includes facilities that meet the following criteria:

(1) 100% of the consumer population of the facility has a diagnosis of serious mental illness;

(2) no more than 15% of the consumer population of the facility is 65 years of age or older;

(3) none of the consumers are non-ambulatory;

(4) none of the consumers have a primary diagnosis of moderate, severe, or profound intellectual disability; and

(5) the facility must have been licensed under the Specialized Mental Health Rehabilitation Act or the Nursing Home Care Act immediately preceding July 22, 2013 (the effective date of this Act) and qualifies as an institute for mental disease under the federal definition of the term.

"Facility" does not include the following:

(1) a home, institution, or place operated by the federal government or agency thereof, or by the State of Illinois;

(2) a hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor which is required to be licensed under the Hospital Licensing Act;

(3) a facility for child care as defined in the Child

Care Act of 1969;

(4) a community living facility as defined in the Community Living Facilities Licensing Act;

(5) a nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination; however, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

(6) a facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(7) a supportive residence licensed under the Supportive Residences Licensing Act;

(8) a supportive living facility in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01 of the Nursing Home Care Act;

(9) an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01 of the Nursing Home Care Act;

(10) an Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act;

(11) a home, institution, or other place operated by or under the authority of the Illinois Department of Veterans' Affairs;

(12) a facility licensed under the ID/DD Community Care Act;

(13) a facility licensed under the Nursing Home Care Act after July 22, 2013 (the effective date of this Act);
or

(14) a facility licensed under the MC/DD Act.

"Executive director" means a person who is charged with the general administration and supervision of a facility licensed under this Act and who is a licensed nursing home administrator, licensed practitioner of the healing arts, or qualified mental health professional.

"Guardian" means a person appointed as a guardian of the person or guardian of the estate, or both, of a consumer under the Probate Act of 1975.

"Identified offender" means a person who meets any of the following criteria:

(1) Has been convicted of, found guilty of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any felony offense listed in Section 25 of the Health Care

Worker Background Check Act, except for the following:

(i) a felony offense described in Section 10-5 of the Nurse Practice Act;

(ii) a felony offense described in Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act;

(iii) a felony offense described in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

(iv) a felony offense described in Section 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act; and

(v) a felony offense described in the Methamphetamine Control and Community Protection Act.

(2) Has been convicted of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any sex offense as defined in subsection (c) of Section 10 of the Sex Offender Management Board Act.

"Transitional living units" are residential units within a facility that have the purpose of assisting the consumer in developing and reinforcing the necessary skills to live independently outside of the facility. The duration of stay in such a setting shall not exceed 120 days for each consumer. Nothing in this definition shall be construed to be a prerequisite for transitioning out of a facility.

"Licensee" means the person, persons, firm, partnership,

association, organization, company, corporation, or business trust to which a license has been issued.

"Misappropriation of a consumer's property" means the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a consumer's belongings or money without the consent of a consumer or his or her guardian.

"Neglect" means a facility's failure to provide, or willful withholding of, adequate medical care, mental health treatment, psychiatric rehabilitation, personal care, or assistance that is necessary to avoid physical harm and mental anguish of a consumer.

"Personal care" means assistance with meals, dressing, movement, bathing, or other personal needs, maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his or her person, whether or not a guardian has been appointed for such individual. "Personal care" shall not be construed to confine or otherwise constrain a facility's pursuit to develop the skills and abilities of a consumer to become self-sufficient and capable of increasing levels of independent functioning.

"Recovery and rehabilitation supports" means a program that facilitates a consumer's longer-term symptom management and stabilization while preparing the consumer for transitional living units by improving living skills and

community socialization. The duration of stay in such a setting shall be established by the Department by rule.

"Restraint" means:

(i) a physical restraint that is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a consumer's body that the consumer cannot remove easily and restricts freedom of movement or normal access to one's body; devices used for positioning, including, but not limited to, bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this Section; or

(ii) a chemical restraint that is any drug used for discipline or convenience and not required to treat medical symptoms; the Department shall, by rule, designate certain devices as restraints, including at least all those devices that have been determined to be restraints by the United States Department of Health and Human Services in interpretive guidelines issued for the purposes of administering Titles XVIII and XIX of the federal Social Security Act. For the purposes of this Act, restraint shall be administered only after utilizing a coercive free environment and culture.

"Self-administration of medication" means consumers shall be responsible for the control, management, and use of their own medication.

"Crisis stabilization" means a secure and separate unit

that provides short-term behavioral, emotional, or psychiatric crisis stabilization as an alternative to hospitalization or re-hospitalization for consumers from residential or community placement. The duration of stay in such a setting shall not exceed 21 days for each consumer.

"Therapeutic separation" means the removal of a consumer from the milieu to a room or area which is designed to aid in the emotional or psychiatric stabilization of that consumer.

"Triage center" means a non-residential 23-hour center that serves as an alternative to emergency room care, hospitalization, or re-hospitalization for consumers in need of short-term crisis stabilization. Consumers may access a triage center from a number of referral sources, including family, emergency rooms, hospitals, community behavioral health providers, federally qualified health providers, or schools, including colleges or universities. A triage center may be located in a building separate from the licensed location of a facility, but shall not be more than 1,000 feet from the licensed location of the facility and must meet all of the facility standards applicable to the licensed location. If the triage center does operate in a separate building, safety personnel shall be provided, on site, 24 hours per day and the triage center shall meet all other staffing requirements without counting any staff employed in the main facility building.

(Source: P.A. 99-180, eff. 7-29-15; 100-201, eff. 8-18-17;

Public Act 102-1053

SB3617 Enrolled

LRB102 22973 KTG 32127 b

100-365, eff. 8-25-17.)

(210 ILCS 49/2-102.5 new)

Sec. 2-102.5. Psychiatric visits. For the purposes of this Act, any required psychiatric visit to a consumer may be conducted by an APRN or by a physician.

Section 5-10. The Clinical Psychologist Licensing Act is amended by changing Section 13 as follows:

(225 ILCS 15/13) (from Ch. 111, par. 5363)

(Section scheduled to be repealed on January 1, 2027)

Sec. 13. License renewal; restoration.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. Every holder of a license under this Act may renew such license during the 90-day period immediately preceding the expiration date thereof upon payment of the required renewal fees and demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

A clinical psychologist who has permitted his or her

license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department, as defined by rule, of his or her fitness to have his or her license restored, including evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the clinical psychologist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the clinical psychologist to complete a period of supervised professional experience and may require successful completion of an examination.

However, any clinical psychologist whose license expired while he or she was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license renewed or restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training or education he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her

service, training or education has been so terminated.

(b) Notwithstanding any other provision of law, the following requirements for restoration of an inactive or expired license of less than 5 years as set forth in subsection (a) are suspended for any licensed clinical psychologist who has had no disciplinary action taken against his or her license in this State or in any other jurisdiction during the entire period of licensure: proof of fitness, certification of active practice in another jurisdiction, and the payment of a renewal fee. An individual may not restore his or her license in accordance with this subsection more than once.

(Source: P.A. 96-1050, eff. 1-1-11.)

Section 5-15. The Clinical Social Work and Social Work Practice Act is amended by changing Section 11 as follows:

(225 ILCS 20/11) (from Ch. 111, par. 6361)

(Section scheduled to be repealed on January 1, 2028)

Sec. 11. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The licensee may renew a license during the 60-day period preceding its expiration date by paying the required fee and by demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing

minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence which is satisfactory to the Department certifying the active practice of clinical social work or social work in another jurisdiction and by paying the required fee.

(b-5) If the person has not maintained an active practice in another jurisdiction which is satisfactory to the Department, the Department shall determine the person's fitness to resume active status. The Department may also require the person to complete a specific period of evaluated clinical social work or social work experience and may require successful completion of an examination for clinical social workers.

(b-7) Notwithstanding any other provision of this Act, any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to

induction into the military service may have his or her license restored without paying any renewal fees if, within 2 years after the honorable termination of that service, training or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training or education has been so terminated.

(c) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) The Department shall indicate on each license the academic degree of the licensee.

(h) Notwithstanding any other provision of law, the following requirements for restoration of an inactive or expired license of 5 years or less as set forth in subsections (b) and (b-5) are suspended for any licensed clinical social worker who has had no disciplinary action taken against his or her license in this State or in any other jurisdiction during the entire period of licensure: proof of fitness, certification of active practice in another jurisdiction, and the payment of a fee or renewal fee. An individual may not restore his or her license in accordance with this subsection

more than once.

(Source: P.A. 102-326, eff. 1-1-22.)

Section 5-20. The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act is amended by changing Section 50 as follows:

(225 ILCS 107/50)

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

Sec. 50. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a condition for renewal of a license, the licensee shall be required to complete continuing education in accordance with rules established by the Department.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness acceptable to the Department, to have the license restored, including, if appropriate, evidence which is satisfactory to the Department certifying the active practice of professional counseling or clinical professional counseling in another jurisdiction and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction which is satisfactory to the Department,

the Department shall determine, by an evaluation program established by rule, the person's fitness to resume active status and shall establish procedures and requirements for restoration.

(d) However, any person whose license expired while he or she was (i) in federal service on active duty with the armed forces of the United States or the State Militia or (ii) in training or education under the supervision of the United States government prior to induction into the military service may have his or her license restored without paying any lapsed renewal fees if, within 2 years after the honorable termination of such service, training, or education, the Department is furnished with satisfactory evidence that the person has been so engaged and that such service, training, or education has been so terminated.

(e) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

(f) Any person requesting restoration from inactive status shall (i) be required to pay the current renewal fee, (ii) meet continuing education requirements, and (iii) be required to restore his or her license as provided in this Act.

(g) Notwithstanding any other provision of law, the following requirements for restoration of an inactive or expired license of 5 years or less as set forth in subsections

(b), (c), and (f) are suspended for any licensed clinical professional counselor who has had no disciplinary action taken against his or her license in this State or in any other jurisdiction during the entire period of licensure: proof of fitness, certification of active practice in another jurisdiction, and the payment of a renewal fee. An individual may not restore his or her license in accordance with this subsection more than once.

(Source: P.A. 97-706, eff. 6-25-12.)

Article 15.

Section 15-5. The Clinical Social Work and Social Work Practice Act is amended by changing Section 12.5 as follows:

(225 ILCS 20/12.5)

(Section scheduled to be repealed on January 1, 2028)

Sec. 12.5. Endorsement. The Department may issue a license as a clinical social worker or as a social worker, without the required examination, to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of his or her licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under

this Section shall pay the required fees.

An individual applying for licensure as a clinical social worker who has been licensed at the independent level in another United States jurisdiction for 5 ~~10~~ consecutive years without discipline is not required to submit proof of completion of the education and supervised clinical professional experience required in paragraph (3) of Section 9 ~~and proof of passage of the examination required in paragraph (4) of Section 9~~. Individuals with 5 ~~10~~ consecutive years of experience must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements and pay all required fees.

If the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

An applicant has 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 100-766, eff. 1-1-19.)

Section 15-10. The Marriage and Family Therapy Licensing Act is amended by changing Section 65 as follows:

(225 ILCS 55/65) (from Ch. 111, par. 8351-65)

(Section scheduled to be repealed on January 1, 2027)

Sec. 65. Endorsement. The Department may issue a license as a licensed marriage and family therapist, without the required examination, to an applicant licensed under the laws of another state if the requirements for licensure in that state are, on the date of licensure, substantially equivalent to the requirements of this Act or to a person who, at the time of his or her application for licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay all of the required fees.

An individual applying for licensure as a licensed marriage and family therapist who has been licensed at the independent level in another United States jurisdiction for 5 ~~10~~ consecutive years without discipline is not required to submit proof of completion of the education, professional experience, and supervision required in Section 40. Individuals with 5 ~~10~~ consecutive years of experience must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements and pay all required fees.

If the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

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

(Source: P.A. 100-372, eff. 8-25-17; 100-766, eff. 1-1-19.)

Section 15-20. The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act is amended by changing Section 70 as follows:

(225 ILCS 107/70)

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

Sec. 70. Endorsement. The Department may issue a license as a licensed professional counselor or licensed clinical professional counselor, without the required examination, to (i) an applicant licensed under the laws of another state or United States jurisdiction whose standards in the opinion of the Department, were substantially equivalent at the date of his or her licensure in the other jurisdiction to the

requirements of this Act or (ii) any person who, at the time of licensure, possessed individual qualifications which were substantially equivalent to the requirements of this Act. Such an applicant shall pay all of the required fees.

An individual applying for licensure as a clinical professional counselor who has been licensed at the independent level in another United States jurisdiction for 5 ~~10~~ consecutive years without discipline is not required to submit proof of completion of the education, supervised employment, or experience required in subsection (b) of Section 45. Individuals with 5 ~~10~~ consecutive years of experience must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements and pay all required fees.

If the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

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

Public Act 102-1053

SB3617 Enrolled

LRB102 22973 KTG 32127 b

(Source: P.A. 100-766, eff. 1-1-19.)

Article 99.

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

Public Act 102-1053

SB3617 Enrolled

LRB102 22973 KTG 32127 b

INDEX

Statutes amended in order of appearance

New Act

5 ILCS 100/5-45.21 new

35 ILCS 5/232 new

20 ILCS 2205/2205-40 new

225 ILCS 20/12.5

225 ILCS 55/65 from Ch. 111, par. 8351-65

225 ILCS 107/70