

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008 and December 31, 2008.

(a) The following Acts are repealed on January 1, 2008:

The Acupuncture Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Nursing and Advanced Practice Nursing Act.

~~The Illinois Speech Language Pathology and Audiology Practice Act.~~

The Marriage and Family Therapy Licensing Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Pharmacy Practice Act of 1987.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:

The Medical Practice Act of 1987.

The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)

(5 ILCS 80/4.28 new)

Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:

The Illinois Speech-Language Pathology and Audiology Practice Act.

Section 10. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Sections 3, 5, 7, 8, 8.5, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 28.5, and 29 and by adding Sections 21.1, 21.2, and 24.1 as follows:

(225 ILCS 110/3) (from Ch. 111, par. 7903)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. The following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(a) "Department" means the Department of Financial and Professional Regulation.

(b) "Secretary Director" means the Secretary Director of

Financial and Professional Regulation.

(c) "Board" means the Board of Speech-Language Pathology and Audiology established under Section 5 of this Act.

(d) "Speech-Language Pathologist" means a person who has received a license pursuant to this Act and who engages in the practice of speech-language pathology.

(e) "Audiologist" means a person who has received a license pursuant to this Act and who engages in the practice of audiology.

(f) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

(g) "The practice of audiology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing. These procedures are for the purpose of counseling, consulting and rendering or offering to render services or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders involving speech, language or auditory function related to hearing loss. The practice of audiology may include, but shall not be limited to, the following:

- (1) any task, procedure, act, or practice that is necessary for the evaluation of hearing or vestibular

function;

(2) training in the use of amplification devices;

(3) the fitting, dispensing, or servicing of hearing instruments; and

(4) performing basic speech and language screening tests and procedures consistent with audiology training.

(h) "The practice of speech-language pathology" is the application of nonmedical methods and procedures for the identification, measurement, testing, appraisal, prediction, habilitation, rehabilitation, and modification related to communication development, and disorders or disabilities of speech, language, voice, swallowing, and other speech, language and voice related disorders. These procedures are for the purpose of counseling, consulting and rendering or offering to render services, or for participating in the planning, directing or conducting of programs that are designed to modify communicative disorders and conditions in individuals or groups of individuals involving speech, language, voice and swallowing function.

"The practice of speech-language pathology" shall include, but shall not be limited to, the following:

(1) hearing screening tests and aural rehabilitation procedures consistent with speech-language pathology training;

(2) tasks, procedures, acts or practices that are necessary for the evaluation of, and training in the use

of, augmentative communication systems, communication variation, cognitive rehabilitation, non-spoken language production and comprehension.

(i) "Speech-language pathology assistant" means a person who has received a license pursuant to this Act to assist a speech-language pathologist in the manner provided in this Act. (Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/5) (from Ch. 111, par. 7905)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5. Board of Speech-Language Pathology and Audiology. There is created a Board of Speech-Language Pathology and Audiology to be composed of persons designated from time to time by the Secretary ~~Director~~, as follows:

(a) Five persons, 2 of whom have been licensed speech-language pathologists for a period of 5 years or more, 2 of whom have been licensed audiologists for a period of 5 years or more, and one public member. The board shall annually elect a chairperson and a vice-chairperson.

(b) Terms for all members shall be for 3 years. A member shall serve until his or her successor is appointed and qualified. Partial terms over 2 years in length shall be considered as full terms. A member may be reappointed for a successive term, but no member shall serve more than 2 full terms.

(c) The membership of the Board should reasonably

reflect representation from the various geographic areas of the State.

(d) In making appointments to the Board, the Secretary ~~Director~~ shall give due consideration to recommendations by organizations of the speech-language pathology and audiology professions in Illinois, including the Illinois Speech-Language-Hearing Association and the Illinois Academy of Audiology, and shall promptly give due notice to such organizations of any vacancy in the membership of the Board. The Secretary ~~Director~~ may terminate the appointment of any member for any cause, which in the opinion of the Secretary ~~Director~~, reasonably justifies such termination.

(e) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

(f) The members of the Board may ~~shall~~ each receive as compensation a reasonable sum as determined by the Secretary ~~Director~~ for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of the Board.

(g) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(h) The Secretary ~~Director~~ may consider the recommendations of the Board in establishing guidelines for professional conduct, the conduct of formal disciplinary proceedings brought under this Act, and qualifications of applicants. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made in the response. The Department, at any time, may seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(i) Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done either in an examination or in the revocation, suspension, or refusal of a license, or other disciplinary action relating to a license, the Secretary ~~Director~~ may order a reexamination or rehearing.

(Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/7) (from Ch. 111, par. 7907)

(Section scheduled to be repealed on January 1, 2008)

Sec. 7. Licensure requirement.

(a) Except as provided in subsection (b), on or after June 1, 1989, no person shall practice speech-language pathology or audiology without first applying for and obtaining a license for such purpose from the Department. Except as provided in

this Section, on or after January 1, 2002, no person shall perform the functions and duties of a speech-language pathology assistant without first applying for and obtaining a license for that purpose from the Department.

(b) A person holding a regular license to practice speech-language pathology or audiology under the laws of another state, a territory of the United States, or the District of Columbia who has made application to the Department for a license to practice speech-language pathology or audiology may practice speech-language pathology or audiology without a license for 90 days from the date of application or until disposition of the license application by the Department, whichever is sooner, if the person (i) holds a Certificate of Clinical Competence from the American Speech-Language-Hearing Association in speech-language pathology or audiology or, in the case of an audiologist, a certificate from the American Board of Audiology and (ii) has not been disciplined and has no disciplinary matters pending in a state, a territory, or the District of Columbia.

A person applying for an initial license to practice audiology who is a recent graduate of a Department-approved audiology program may practice as an audiologist for a period of 60 days after the date of application or until disposition of the license application by the Department, whichever is sooner, provided that he or she meets the applicable requirements of Section 8 of this Act.

(Source: P.A. 92-510, eff. 6-1-02; 93-112, eff. 1-1-04.)

(225 ILCS 110/8) (from Ch. 111, par. 7908)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8. Qualifications for licenses to practice speech-language pathology or audiology. The Department shall require that each applicant for a license to practice speech-language pathology or audiology shall:

(a) (Blank);

(b) be at least 21 years of age;

(c) not have violated any provisions of Section 16 of this Act;

(d) for a license as a speech-language pathologist, present satisfactory evidence of receiving a master's or doctoral degree in speech-language pathology ~~or audiology~~ from a program approved by the Department. Nothing in this Act shall be construed to prevent any program from establishing higher standards than specified in this Act;

(d-5) for a license as an audiologist, present satisfactory evidence of having received a master's or doctoral degree in audiology from a program approved by the Department; however, an applicant for licensure as an audiologist whose degree was conferred on or after January 1, 2008, must present satisfactory evidence of having received a doctoral degree in audiology from a program approved by the Department;

(e) pass a national examination recognized by the Department in the theory and practice of the profession;

(f) for a license as a speech-language pathologist, have completed the equivalent of 9 months of supervised experience; and

(g) for a license as an audiologist, have completed a minimum of 1,500 clock hours of supervised experience or present evidence of a Doctor of Audiology (AuD) degree.

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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 94-528, eff. 8-10-05.)

(225 ILCS 110/8.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 8.5. Qualifications for licenses as a speech-language pathology assistant. ~~(a)~~ A person is qualified to be licensed as a speech-language pathology assistant if that person has applied in writing on forms prescribed by the Department, has paid the required fees, and meets both of the following criteria:

(1) Is of good moral character. In determining moral character, the Department may take into consideration any felony conviction or plea of guilty or nolo contendere of

the applicant, but such a conviction or plea shall not operate automatically as a complete bar to licensure.

(2) Has received an associate degree from a speech-language pathology assistant program that has been approved by the Department and that meets the minimum requirements set forth in Section 8.6 ~~or has received, prior to June 1, 2003, an associate degree from a speech language pathology assistant program approved by the Illinois Community College Board. (b) Until July 1, 2005, a person holding a bachelor's level degree in communication disorders who was employed to assist a speech language pathologist on June 1, 2002 (the effective date of P.A. 92-510) shall be eligible to receive a license as a speech language pathology assistant from the Department upon completion of forms prescribed by the Department and the payment of the required fee.~~

(Source: P.A. 93-1060, eff. 12-23-04; 94-869, eff. 6-16-06.)

(225 ILCS 110/10) (from Ch. 111, par. 7910)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. Roster ~~List~~ of speech-language pathologists and audiologists. The Department shall maintain a roster ~~list~~ of the names and addresses of the speech-language pathologists, speech-language pathology assistants, and audiologists. Such lists shall also be mailed by the Department to any person upon request and payment of the required fee.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/11) (from Ch. 111, par. 7911)

(Section scheduled to be repealed on January 1, 2008)

Sec. 11. Expiration, renewal and restoration of licenses.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. A speech-language pathologist, speech-language pathology assistant, or audiologist may renew such license during the month preceding the expiration date thereof by paying the required fee.

(a-5) All renewal applicants shall provide proof as determined by the Department of having met the continuing education requirements set forth in the rules of the Department. At a minimum, the rules shall require a renewal applicant for licensure as a speech-language pathologist or audiologist to provide proof of completing at least 20 clock hours of continuing education during the 2-year licensing cycle for which he or she is currently licensed. An audiologist who has met the continuing education requirements of the Hearing Instrument Consumer Protection Act during an equivalent licensing cycle under this Act shall be deemed to have met the continuing education requirements of this Act. At a minimum, the rules shall require a renewal applicant for licensure as a speech-language pathology assistant to provide proof of completing at least 10 clock hours of continuing education during the 2-year period for which he or she currently holds a

~~license. The Department shall provide by rule for an orderly process for the reinstatement of licenses that have not been renewed for failure to meet the continuing education requirements. The continuing education requirements may be waived in cases of extreme hardship as defined by rule of the Department.~~

~~The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continuing education certificates with the Department, or by other means established by the Department.~~

(b) Inactive status.

(1) Any licensee who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

(2) Any licensee requesting restoration from inactive status shall be required to (i) pay the current renewal fee; and (ii) demonstrate that he or she has completed a minimum ~~obtained the equivalent~~ of 20 hours of continuing education and met any additional continuing education requirements established by the Department by rule ~~if the licensee has been inactive for 5 years or more.~~

(3) Any licensee whose license is in an inactive status shall not practice in the State of Illinois without first restoring his or her license.

(4) Any licensee who shall engage in the practice while the license is lapsed or inactive shall be considered to be practicing without a license which shall be grounds for discipline under Section 16 of this Act.

(c) Any speech-language pathologist, speech-language pathology assistant, or audiologist whose license has expired may have his or her license restored at any time within 5 years after the expiration thereof, upon payment of the required fee.

(d) Any person whose license has been expired or inactive for 5 years or more may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active lawful practice in another jurisdiction, and by paying the required restoration fee. A person practicing on an expired license is deemed to be practicing without a license.

(e) If a person whose license has expired has not maintained active practice in another jurisdiction, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience, and may require successful completion of an examination.

(f) Any person whose license has expired while he or she has been engaged (1) in federal or State service on active duty, 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 restored without paying any lapsed renewal or restoration fee, if within 2 years after termination of such service, training or education he or she furnishes the Department with satisfactory proof that he or she has been so engaged and that his or her service, training or education has been so terminated.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/13) (from Ch. 111, par. 7913)

(Section scheduled to be repealed on January 1, 2008)

Sec. 13. Licensing applicants from other states.

Upon payment of the required fee, an applicant who is a speech-language pathologist, speech-language pathology assistant, or audiologist licensed under the laws of another state or territory of the United States, may ~~shall~~ without examination be granted a license as a speech-language pathologist, speech-language pathology assistant, or audiologist by the Department:

(a) whenever the requirements of such state or territory of the United States were at the date of licensure substantially equal to the requirements then in force in this State; or

(b) whenever such requirements of another state or

territory of the United States together with educational and professional qualifications, as distinguished from practical experience, of the applicant since obtaining a license as speech-language pathologist, speech-language pathology assistant, or audiologist in such state or territory of the United States are substantially equal to the requirements in force in Illinois at the time of application for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist.

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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/15) (from Ch. 111, par. 7915)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Returned checks; Penalties. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify

the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

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

(Section scheduled to be repealed on January 1, 2008)

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

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, censure, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed

\$10,000 ~~\$5,000~~ for each violation, with regard to any license for any one or combination of the following causes:

(a) Fraud in procuring the license.

(b) (Blank). ~~Habitual intoxication or addiction to the use of drugs.~~

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

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

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

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

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

(g) Professional connection or association with, or lending his or her name to another for the illegal practice

of speech-language pathology or audiology by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this Act.

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

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

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

(k) Conviction of or entry of a plea of guilty or nolo contendere to any crime that in this or another state of any crime which is a felony under the laws of the United States or any state or territory thereof, or that is a misdemeanor of which an essential element is dishonesty, or that is directly related to the practice of the profession this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

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

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

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

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

(p) Gross or repeated malpractice ~~resulting in injury or death of an individual~~.

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

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

(s) Repeated irregularities in billing a third party

for services rendered to an individual. For purposes of this Section, "irregularities in billing" shall include:

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

(ii) reporting charges for services not rendered;
or

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

(t) (Blank).

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

(v) Inability ~~Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety~~ as a result of habitual or excessive use of or addiction to alcohol, narcotics, or stimulants or any other chemical agent or drug or as a result of physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability.

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

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

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

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

(3) The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an

examination prior to restoring any license automatically suspended under this subsection.

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

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

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board may require

that individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary ~~Director~~ for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

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

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

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

(Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised 12-15-05.)

(225 ILCS 110/17) (from Ch. 111, par. 7917)

(Section scheduled to be repealed on January 1, 2008)

Sec. 17. Investigations; notice; ~~hearings~~ ~~of hearing~~.
Licenses may be refused, revoked, or suspended in the manner provided by this Act and not otherwise. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue, suspend, or revoke under this Act, investigate the actions of any person applying for, holding, or claiming to hold a license.

The Department shall, before refusing to issue or renew or suspending or revoking any license or taking other disciplinary action pursuant to Section 16 of this Act, and at least 30 days prior to the date set for the hearing, notify, in writing, the applicant for or the holder of such license of any charges made, afford the accused person an opportunity to be heard in person or by counsel in reference thereto, and direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the applicant or

licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary may deem proper. Written notice may be served by delivery of the same personally to the accused person or by mailing the same by certified mail to his or her last known place of residence or to the place of business last specified by the accused person in his or her last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

At the time and place fixed in the notice, the Board shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and arguments as may be pertinent to the charges or to their defense. The Board may continue such hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the Department shall

~~continue such hearing for a period not to exceed 30 days. Upon the motion of either the Department or the Board or upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue, suspension, or revocation of a license or for taking any other disciplinary action with regard to a license under this Act, the Department shall investigate the actions of any person, hereinafter called the "licensee", who holds or represents that he or she holds a license. All such motions or complaints shall be brought to the Board.~~

~~The Director shall, before refusing to issue, suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Director may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the licensee in writing of any charges made and the time and place for a hearing of the charges before the Board. The Board shall also direct him to file his or her written answer thereto with the Board under oath within 20 days after the service on him of such notice, and inform him that if he or she fails to file such answer, his or her license may be suspended, revoked, placed on probationary status or other disciplinary action may be taken with regard thereto, including limiting the scope, nature or extent of his or her practice as the Director may deem proper.~~

~~Such written notice and any notice in such proceeding thereafter may be served by delivery personally to the~~

~~licensee, or by registered or certified mail to the address specified by the licensee in his or her last notification to the Director.~~

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/18) (from Ch. 111, par. 7918)

(Section scheduled to be repealed on January 1, 2008)

Sec. 18. Temporary suspension of license ~~Disciplinary actions.~~ ~~(a) In case the licensee, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Director, having first received the recommendation of the Board, be suspended, revoked, placed on probationary status or the Director may take whatever disciplinary action he or she may deem proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.~~ (b) The Secretary ~~Director~~ may temporarily suspend the license of a speech-language pathologist, speech-language pathology assistant, or audiologist without a hearing, simultaneous to the institution of proceedings for a hearing under this Act, if the Secretary ~~Director~~ finds that evidence in his or her possession indicates that a speech-language pathologist's, speech-language pathology assistant's, or an audiologist's continuation in practice would constitute an immediate danger to the public. In the

event that the Secretary ~~Director~~ temporarily suspends the license of a speech-language pathologist, speech-language pathology assistant, or audiologist without a hearing, a hearing by the Board must be held within 15 days after such suspension has occurred and concluded without appreciable delay.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/19) (from Ch. 111, par. 7919)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Subpoenas; depositions; oaths ~~Hearings. At the time and place fixed in the notice under Section 17, the Board shall proceed to hear the charges and both the licensee and the complainant shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Board may continue such hearing from time to time. If the Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing has been continued, the Department shall continue such hearing for a period not to exceed 30 days.~~

The ~~Board and~~ Department has the ~~shall have~~ power to subpoena documents, books, records, or other materials and bring before it ~~the Board~~ any person ~~in this State~~ and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as ~~is~~ prescribed

~~in civil cases in the courts of this State by law pursuant to "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto", approved March 28, 1874, as amended.~~

The Secretary, the designated hearing officer, Director and every any member of the Board has the shall have power to administer oaths to witnesses at any hearing that which the Department ~~or Board~~ is authorized ~~by law~~ to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 85-1391.)

(225 ILCS 110/20) (from Ch. 111, par. 7920)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20. Attendance of Witnesses, Production of Documents. Any circuit court, upon the application of the ~~licensee or complainant or of the~~ Department or designated hearing officer or Board, may enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation ~~relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license.~~ The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 85-1391.)

(225 ILCS 110/21) (from Ch. 111, par. 7921)

(Section scheduled to be repealed on January 1, 2008)

Sec. 21. Findings and recommendations ~~Recommendations for disciplinary action.~~ At the conclusion of a hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Secretary.

In making recommendations for any disciplinary actions, the Board may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including, but not limited to, previous discipline of the accused by the Department, intent, degree of harm to the public, likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and

recommendations of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a license, or otherwise disciplining a licensee. If the Secretary disagrees with the recommendations of the Board, the Secretary may issue an order in contravention of the Board recommendations. Board findings are not admissible as evidence against the person in a criminal prosecution brought for a violation of this Act; however, the hearing and findings shall not serve as a bar to criminal prosecution brought for a violation of this Act. ~~The Board may advise the Director that probation be granted or that other disciplinary action, including the limitation of the scope, nature or extent of a person's practice, be taken, as it deems proper. If disciplinary action other than suspension or revocation is taken, the Board may advise the Director to impose reasonable limitations and requirements upon the licensee to insure compliance with the terms of the probation or other disciplinary action, including, but not limited to, regular reporting by the licensee to the Director of his or her actions, or the licensee placing himself under the care of a qualified physician for treatment or limiting his or her practice in such manner as the Director may require.~~

~~The Board shall present to the Director a written report of its findings and recommendations. A copy of such report shall be served upon the licensee, either personally or by registered or certified mail. Within 20 days after such service, the~~

~~licensee may present to the Department his or her motion in writing for a rehearing, specifying the particular grounds therefor. If the licensee orders and pays for a transcript of the record, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such 20 days.~~

~~At the expiration of the time allowed for filing a motion for rehearing, the Director may take the action recommended by the Board. Upon suspension, revocation, placement on probationary status, or the taking of any other disciplinary action, including the limiting of the scope, nature, or extent of one's practice, deemed proper by the Director, with regard to the license, the licensee shall surrender his or her license to the Department if ordered to do so by the Department and upon his or her failure or refusal to do so, the Department may seize such license.~~

~~In all instances under this Act in which the Board has rendered a recommendation to the Director with respect to a particular person, the Director shall notify the Board if he or she disagrees with or takes action contrary to the recommendation of the Board.~~

~~Each order of revocation, suspension or other disciplinary action shall contain a brief and concise statement of the ground or grounds upon which the Department's action is based, as well as the specific terms and conditions of such action.~~

(Source: P.A. 90-69, eff. 7-8-97)

(225 ILCS 110/21.1 new)

Sec. 21.1. Board; rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 days after service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Secretary may enter an order in accordance with recommendations of the Board except as provided in Section 22 of this Act. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(225 ILCS 110/21.2 new)

Sec. 21.2. Secretary; rehearing. Whenever the Secretary believes that substantial justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew

a license or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other examiners.

(225 ILCS 110/22) (from Ch. 111, par. 7922)

(Section scheduled to be repealed on January 1, 2008)

Sec. 22. Appointment of a hearing officer. The Secretary ~~Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer for any action for refusal to issue, renew or discipline of a license. The hearing officer shall have full authority to conduct the hearing. Board members may attend hearings. The hearing officer shall report his or her findings and recommendations to the Board and the Secretary ~~Director~~. The Board shall ~~have 60 days after receipt of the report to~~ review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary and to all parties to the proceedings ~~Director~~. ~~If the Board fails to present its report within the 60 day period, the Director may issue an order based on the report of the hearing officer.~~ If the Secretary ~~Director~~ disagrees in any regard with the Board's report, he or she may issue an order in contravention of the Board's report.

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/23) (from Ch. 111, par. 7923)

(Section scheduled to be repealed on January 1, 2008)

Sec. 23. Restoration. At any time after suspension, revocation, placement on probationary status, or the taking of any other disciplinary action with regard to any license, the Department may restore the license, or take any other action to reinstate the license to good standing, ~~without examination,~~ upon the written recommendation of the Board, unless after an investigation and a hearing, the Board determines that restoration is not in the public interest.

(Source: P.A. 85-1391.)

(225 ILCS 110/24) (from Ch. 111, par. 7924)

(Section scheduled to be repealed on January 1, 2008)

Sec. 24. Review under the Administrative Review Law - ~~Application.~~

All final administrative decisions of the Department hereunder shall be ~~are~~ subject to judicial review pursuant to the provisions of the Administrative Review Law and all amendments and modifications thereof and rules adopted thereto ~~Article III of the Code of Civil Procedure, and the rules adopted pursuant thereto.~~ The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

~~Such proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if such party is not a resident of this State, the venue shall be in Sangamon County.~~

~~The Department shall not be required to certify any record~~

~~to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be computed at the rate of 20 cents per page of such record. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action. During the pendency and hearing of any and all judicial proceedings incident to such disciplinary action, any sanctions imposed upon the licensee by the Department shall remain in full force and effect.~~

(Source: P.A. 85-1391.)

(225 ILCS 110/24.1 new)

Sec. 24.1. Certifications of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

(225 ILCS 110/25) (from Ch. 111, par. 7925)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25. Order or certified copy; prima facie proof
~~Revocation Orders.~~ An order ~~of revocation, suspension,~~
~~placement on probationary status or other formal disciplinary~~
~~action as the Department may deem proper,~~ or a certified copy
thereof, over the seal of the Department and purporting to be
signed by the Secretary ~~Director of the Department,~~ is prima
facie proof that:

(a) the ~~such~~ signature is the genuine signature of the
Secretary ~~Director;~~

(b) the Secretary ~~Director~~ is duly appointed and qualified;
and

(c) the Board and its ~~the~~ members ~~thereof~~ are qualified to
act.

(Source: P.A. 85-1391.)

(225 ILCS 110/28) (from Ch. 111, par. 7928)

(Section scheduled to be repealed on January 1, 2008)

Sec. 28. Injunction. The practice of speech-language
pathology or audiology by any person not holding a valid and
current license under this Act or a person performing the
functions and duties of a speech-language pathology assistant
without a valid and current license under this Act, is declared
to be inimical to the public welfare, to constitute a public
nuisance, and to cause irreparable harm to the public welfare.
The Secretary ~~Director,~~ the Attorney General, the State's

attorney of any county in the State or any person may maintain an action in the name of the People of the State of Illinois, and may apply for an injunction in any circuit court to enjoin any such person from engaging in such practice. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person has been engaged in such practice without a valid and current license, may issue a temporary injunction without notice or bond, enjoining the defendant from any such further practice. Only the showing of nonlicensure, by affidavit or otherwise, is necessary in order for a temporary injunction to issue. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been, or is engaged in any such unlawful practice, the court, or any judge thereof, may enter an order or judgment perpetually enjoining the defendant from further such practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys' fees. In case of violation of any injunction issued under the provisions of this Section, the court or any judge thereof may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in

lieu of, all penalties and other remedies provided in this Act.
(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/28.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 28.5. Cease and desist order. If any person violates the provisions of this Act, the Secretary ~~Director~~, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer

satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 90-69, eff. 7-8-97.)

(225 ILCS 110/29) (from Ch. 111, par. 7929)

(Section scheduled to be repealed on January 1, 2008)

Sec. 29. Penalty of unlawful practice - second and subsequent offenses. Any person who practices or offers to practice speech-language pathology or audiology or performs the functions and duties of a speech-language pathology assistant in this State without being licensed for that purpose, or whose license has been suspended or revoked, or who violates any of the provisions of this Act, for which no specific penalty has been provided herein, is guilty of a Class A misdemeanor.

Any person who has been previously convicted under any of the provisions of this Act and who subsequently violates any of the provisions of this Act is guilty of a Class 4 felony. In addition, whenever any person is punished as a subsequent offender under this Section, the Secretary ~~Director~~ shall proceed to obtain a permanent injunction against such person under Section 29 of this Act.

(Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/26 rep.)

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Section 15. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by repealing Section 26.

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