



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2408

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-5	was 20 ILCS 2105/60b
20 ILCS 2105/2105-7 new	
20 ILCS 2105/2105-15	
20 ILCS 2105/2105-100	was 20 ILCS 2105/60c
20 ILCS 2105/2105-115	was 20 ILCS 2105/60f
20 ILCS 2105/2105-120	was 20 ILCS 2105/60g
20 ILCS 2105/2105-125	was 20 ILCS 2105/60h
20 ILCS 2105/2105-165	
20 ILCS 2105/2105-170	
20 ILCS 2105/2105-207	

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Defines "applicant", "email address of record", "license", and "licensee". Provides that the Department of Financial and Professional Regulation shall require all applicants and licensees to provide a valid address and email address, which shall serve as the address and email address of record, and to inform the Department of any change of address or email address through specified means. Provides that the Department shall provide notice of a suspension to the licensee by mailing a copy of the Department's order to the licensee's address of record or emailing a copy of the order to the licensee's email address of record (rather than mailing a copy of the order by certified and regular mail to the licensee's last known address as registered with the Department). Changes references of "registrant" to "licensee or applicant" and references of "certificate" to "license" throughout the Law. Provides that if a licensed health care worker has been convicted of a criminal battery against any patient in the course of patient care or treatment or is required to register as a sex offender and the health care worker has had his or her license revoked for a forcible felony conviction, the health care worker may not petition the Department to restore his or her license. Provides that an applicant or licensee may request to the Department that his or her permanent denial or revocation be classified as confidential. Makes other changes. Effective immediately.

LRB100 05775 SMS 15798 b

1 AN ACT concerning regulation.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-5, 2105-15, 2105-100, 2105-115,
7 2105-120, 2105-125, 2105-165, 2105-170, and 2105-207 and by
8 adding Section 2105-7 as follows:

9 (20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

10 Sec. 2105-5. Definitions. In this Law:

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's application file or the
13 licensee's license file, as maintained by the Department's
14 licensure maintenance unit. An address of record must be a
15 street address, not a post office box or any other similar
16 location.

17 "Applicant" means an applicant for a license,
18 certification, registration, permit, or other authority issued
19 or conferred by the Department by virtue or authority of which
20 the licensee has or claims the right to engage in a profession,
21 trade, occupation, or operation of which the Department has
22 jurisdiction.

23 "Department" means the Division of Professional Regulation

1 of the Department of Financial and Professional Regulation. Any
2 reference in this Article to the "Department of Professional
3 Regulation" shall be deemed to mean the "Division of
4 Professional Regulation of the Department of Financial and
5 Professional Regulation".

6 "Director" means the Director of Professional Regulation.

7 "Email address of record" means the designated email
8 address recorded by the Department in the applicant's
9 application file or the licensee's license file, as maintained
10 by the Department's licensure maintenance unit.

11 "Board" means the board of persons designated for a
12 profession, trade, or occupation under the provisions of any
13 Act now or hereafter in force whereby the jurisdiction of that
14 profession, trade, or occupation is devolved on the Department.

15 "License" "Certificate" means a license, ~~certificate~~ of
16 registration, certification, permit, or other authority
17 purporting to be issued or conferred by the Department by
18 virtue or authority of which the licensee ~~registrant~~ has or
19 claims the right to engage in a profession, trade, occupation,
20 or operation of which the Department has jurisdiction.

21 "Licensee" "Registrant" means a person who holds or claims
22 to hold a license ~~certificate~~. An unlicensed person or entity
23 that holds himself, herself, or itself out as a licensee or
24 engages in a licensed activity shall be deemed to be a licensee
25 for the purposes of investigation or disciplinary action.

26 "Retiree" means a person who has been duly licensed,

1 registered, or certified in a profession regulated by the
2 Department and who chooses to relinquish or not renew his or
3 her license, registration, or certification.

4 (Source: P.A. 99-227, eff. 8-3-15.)

5 (20 ILCS 2105/2105-7 new)

6 Sec. 2105-7. Address of record; email address of record.

7 The Department shall require all applicants and licensees:

8 (1) to provide a valid address and email address to the
9 Department, which shall serve as the address of record and
10 email address of record, respectively, at the time of
11 application for licensure or renewal of a license; and

12 (2) to inform the Department of any change of address
13 of record or email address of record within 14 days after
14 such change either through the Department's website or by
15 contacting the Department's licensure maintenance unit.

16 (20 ILCS 2105/2105-15)

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

18 (a) The Department has, subject to the provisions of the
19 Civil Administrative Code of Illinois, the following powers and
20 duties:

21 (1) To authorize examinations in English to ascertain
22 the qualifications and fitness of applicants to exercise
23 the profession, trade, or occupation for which the
24 examination is held.

1 (2) To prescribe rules and regulations for a fair and
2 wholly impartial method of examination of candidates to
3 exercise the respective professions, trades, or
4 occupations.

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

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

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

1 exercising the respective professions, trades, or
2 occupations and to revoke, suspend, refuse to renew, place
3 on probationary status, or take other disciplinary action
4 as authorized in any licensing Act administered by the
5 Department with regard to those licenses, certificates, or
6 authorities.

7 The Department shall issue a monthly disciplinary
8 report.

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

1 The Department shall refuse to issue or renew a license
2 to, or shall suspend or revoke a license of, any person
3 who, after receiving notice, fails to comply with a
4 subpoena or warrant relating to a paternity or child
5 support proceeding. However, the Department may issue a
6 license or renewal upon compliance with the subpoena or
7 warrant.

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

1 rules to implement this paragraph shall be considered an
2 emergency and necessary for the public interest, safety,
3 and welfare.

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

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

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

1 requirements of this paragraph (8).

2 (8.5) To accept continuing education credit for
3 mandated reporter training on how to recognize and report
4 child abuse offered by the Department of Children and
5 Family Services and completed by any person who holds a
6 professional license issued by the Department and who is a
7 mandated reporter under the Abused and Neglected Child
8 Reporting Act. The Department shall adopt any rules
9 necessary to implement this paragraph.

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

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

23 (b) The Department may, when a fee is payable to the
24 Department for a wall certificate of registration provided by
25 the Department of Central Management Services, require that
26 portion of the payment for printing and distribution costs be

1 made directly or through the Department to the Department of
2 Central Management Services for deposit into the Paper and
3 Printing Revolving Fund. The remainder shall be deposited into
4 the General Revenue Fund.

5 (c) For the purpose of securing and preparing evidence, and
6 for the purchase of controlled substances, professional
7 services, and equipment necessary for enforcement activities,
8 recoupment of investigative costs, and other activities
9 directed at suppressing the misuse and abuse of controlled
10 substances, including those activities set forth in Sections
11 504 and 508 of the Illinois Controlled Substances Act, the
12 Director and agents appointed and authorized by the Director
13 may expend sums from the Professional Regulation Evidence Fund
14 that the Director deems necessary from the amounts appropriated
15 for that purpose. Those sums may be advanced to the agent when
16 the Director deems that procedure to be in the public interest.
17 Sums for the purchase of controlled substances, professional
18 services, and equipment necessary for enforcement activities
19 and other activities as set forth in this Section shall be
20 advanced to the agent who is to make the purchase from the
21 Professional Regulation Evidence Fund on vouchers signed by the
22 Director. The Director and those agents are authorized to
23 maintain one or more commercial checking accounts with any
24 State banking corporation or corporations organized under or
25 subject to the Illinois Banking Act for the deposit and
26 withdrawal of moneys to be used for the purposes set forth in

1 this Section; provided, that no check may be written nor any
2 withdrawal made from any such account except upon the written
3 signatures of 2 persons designated by the Director to write
4 those checks and make those withdrawals. Vouchers for those
5 expenditures must be signed by the Director. All such
6 expenditures shall be audited by the Director, and the audit
7 shall be submitted to the Department of Central Management
8 Services for approval.

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

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

21 (f) (Blank).

22 (g) Notwithstanding anything that may appear in any
23 individual licensing statute or administrative rule, the
24 Department shall deny any license application or renewal
25 authorized under any licensing Act administered by the
26 Department to any person who has failed to file a return, or to

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

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

1 unless the Department receives, from the licensee, a request
2 for a hearing before the Department to dispute the matters
3 contained in the order.

4 Any suspension imposed under this subsection (g) shall be
5 terminated by the Department upon notification from the
6 Illinois Department of Revenue that the licensee is in
7 compliance with all tax laws administered by the Illinois
8 Department of Revenue.

9 The Department may promulgate rules for the administration
10 of this subsection (g).

11 (h) The Department may grant the title "Retired", to be
12 used immediately adjacent to the title of a profession
13 regulated by the Department, to eligible retirees. For
14 individuals licensed under the Medical Practice Act of 1987,
15 the title "Retired" may be used in the profile required by the
16 Patients' Right to Know Act. The use of the title "Retired"
17 shall not constitute representation of current licensure,
18 registration, or certification. Any person without an active
19 license, registration, or certificate in a profession that
20 requires licensure, registration, or certification shall not
21 be permitted to practice that profession.

22 (i) Within 180 days after December 23, 2009 (the effective
23 date of Public Act 96-852), the Department shall promulgate
24 rules which permit a person with a criminal record, who seeks a
25 license or certificate in an occupation for which a criminal
26 record is not expressly a per se bar, to apply to the

1 Department for a non-binding, advisory opinion to be provided
2 by the Board or body with the authority to issue the license or
3 certificate as to whether his or her criminal record would bar
4 the individual from the licensure or certification sought,
5 should the individual meet all other licensure requirements
6 including, but not limited to, the successful completion of the
7 relevant examinations.

8 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,
9 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; 99-642,
10 eff. 7-28-16.)

11 (20 ILCS 2105/2105-100) (was 20 ILCS 2105/60c)

12 Sec. 2105-100. Disciplinary action with respect to
13 licenses ~~certificates~~; notice; hearing.

14 (a) Licenses ~~Certificates~~ may be revoked, suspended,
15 placed on probationary status, reprimanded, fined, or have
16 other disciplinary action taken with regard to them as
17 authorized in any licensing Act administered by the Department
18 in the manner provided by the Civil Administrative Code of
19 Illinois and not otherwise.

20 (b) The Department may upon its own motion and shall upon
21 the verified complaint in writing of any person, provided the
22 complaint or the complaint together with evidence, documentary
23 or otherwise, presented in connection with the complaint makes
24 a prima facie case, investigate the actions of any person
25 holding or claiming to hold a license ~~certificate~~.

1 (c) Before suspending, revoking, placing on probationary
2 status, reprimanding, fining, or taking any other disciplinary
3 action that may be authorized in any licensing Act administered
4 by the Department with regard to any license ~~certificate~~, the
5 Department shall issue a notice informing the licensee or
6 applicant ~~registrant~~ of the time and place when and where a
7 hearing of the charges shall be had. The notice shall contain a
8 statement of the charges or shall be accompanied by a copy of
9 the written complaint if such complaint shall have been filed.
10 The notice shall be served on the licensee or applicant
11 ~~registrant~~ at least 10 days prior to the date set in the notice
12 for the hearing, either by delivery of the notice personally to
13 the licensee or applicant ~~registrant~~ or by mailing the notice
14 ~~by registered mail~~ to the licensee's or applicant's
15 ~~registrant's~~ address of record; provided that in any case where
16 the licensee or applicant ~~registrant~~ is now or may hereafter be
17 required by law to maintain a place of business in this State
18 and to notify the Department of the location of that place of
19 business, the notice may be served by mailing it ~~by registered~~
20 ~~mail~~ to the licensee or applicant ~~registrant~~ at the place of
21 business last described by the licensee or applicant ~~registrant~~
22 in the notification to the Department. Notwithstanding any
23 provision in any individual licensing statute or
24 administrative rule, the notice may be served by email
25 transmission to the licensee's or applicant's email address of
26 record.

1 (d) At the time and place fixed in the notice, the
2 Department shall proceed to a hearing of the charges. The
3 licensee or applicant ~~Both the registrant and the complainant~~
4 shall be accorded ample opportunity to present, in person or by
5 counsel, any statements, testimony, evidence, and argument
6 that may be pertinent to the charges or to any defense to the
7 charges. The Department may continue the hearing from time to
8 time.

9 (Source: P.A. 99-227, eff. 8-3-15.)

10 (20 ILCS 2105/2105-115) (was 20 ILCS 2105/60f)

11 Sec. 2105-115. Certified shorthand reporter; transcript.
12 The Department, at its expense, shall provide a certified
13 shorthand reporter to take down the testimony and preserve a
14 record of all proceedings at the hearing of any case in which a
15 license ~~certificate~~ may be revoked, suspended, placed on
16 probationary status, reprimanded, fined, or subjected to other
17 disciplinary action with reference to the license ~~certificate~~
18 when a disciplinary action is authorized in any licensing Act
19 administered by the Department. The notice, complaint, and all
20 other documents in the nature of pleadings and written motions
21 filed in the proceedings, the transcript of testimony, the
22 report of the board, and the orders of the Department shall be
23 the record of the proceedings. The Department shall furnish the
24 record to any person interested in the hearing upon payment
25 therefor of \$1 per page. The Department may contract for court

1 reporting services, and, in the event it does so, the
2 Department shall provide the name and contact information for
3 the certified shorthand reporter who transcribed the testimony
4 at a hearing to any person interested, who may obtain a copy of
5 the transcript of any proceedings at a hearing upon payment of
6 the fee specified by the certified shorthand reporter. This
7 charge is in addition to any fee charged by the Department for
8 certifying the record.

9 (Source: P.A. 99-227, eff. 8-3-15.)

10 (20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

11 Sec. 2105-120. Board's report; licensee's or applicant's
12 ~~registrant's~~ motion for rehearing.

13 (a) The board shall present to the Director its written
14 report of its findings and recommendations. A copy of the
15 report shall be served upon the licensee or applicant
16 ~~registrant~~, either personally or by ~~registered~~ mail or email as
17 provided in Section 2105-100 for the service of the notice.

18 (b) Within 20 days after the service required under
19 subsection (a), the licensee or applicant ~~registrant~~ may
20 present to the Department a motion in writing for a rehearing.
21 The written motion shall specify the particular grounds for a
22 rehearing. If the licensee or applicant ~~registrant~~ orders and
23 pays for a transcript of the record as provided in Section
24 2105-115, the time elapsing thereafter and before the
25 transcript is ready for delivery to the licensee or applicant

1 ~~registrant~~ shall not be counted as part of the 20 days.

2 (Source: P.A. 99-227, eff. 8-3-15.)

3 (20 ILCS 2105/2105-125) (was 20 ILCS 2105/60h)

4 Sec. 2105-125. Restoration of license ~~certificate~~. At any
5 time after the successful completion of any term of suspension,
6 revocation, placement on probationary status, or other
7 disciplinary action taken by the Department with reference to
8 any license ~~certificate~~, including payment of any fine, the
9 Department may restore it to the licensee ~~registrant~~ without
10 examination, upon the written recommendation of the
11 appropriate board.

12 (Source: P.A. 99-227, eff. 8-3-15.)

13 (20 ILCS 2105/2105-165)

14 Sec. 2105-165. Health care worker licensure actions; sex
15 crimes.

16 (a) When a licensed health care worker, as defined in the
17 Health Care Worker Self-Referral Act, (1) has been convicted of
18 a criminal act that requires registration under the Sex
19 Offender Registration Act; (1.5) has been convicted of
20 involuntary sexual servitude of a minor under subsection (c) of
21 Section 10-9 or subsection (b) of Section 10A-10 of the
22 Criminal Code of 1961 or the Criminal Code of 2012; (2) has
23 been convicted of a criminal battery against any patient in the
24 course of patient care or treatment, including any offense

1 based on sexual conduct or sexual penetration; (3) has been
2 convicted of a forcible felony; or (4) is required as a part of
3 a criminal sentence to register under the Sex Offender
4 Registration Act, then, notwithstanding any other provision of
5 law to the contrary, except as provided in this Section, the
6 license of the health care worker shall by operation of law be
7 permanently revoked without a hearing.

8 (a-1) If a licensed health care worker has been convicted
9 of a forcible felony, other than a forcible felony requiring
10 registration under the Sex Offender Registration Act, ~~or~~
11 involuntary sexual servitude of a minor that is a forcible
12 felony, or a criminal battery against any patient in the course
13 of patient care or treatment, is not required to register as a
14 sex offender, and ~~the health care worker~~ has had his or her
15 license revoked pursuant to item (3) of subsection (a) of this
16 Section, then the health care worker may petition the
17 Department to restore his or her license if more than 5 years
18 have passed since the conviction or more than 3 years have
19 passed since the health care worker's release from confinement
20 for that conviction, whichever is later. In determining whether
21 a license shall be restored, the Department shall consider, but
22 is not limited to, the following factors:

23 (1) the seriousness of the offense;

24 (2) the presence of multiple offenses;

25 (3) prior disciplinary history, including, but not
26 limited to, actions taken by other agencies in this State

1 or by other states or jurisdictions, hospitals, health care
2 facilities, residency programs, employers, insurance
3 providers, or any of the armed forces of the United States
4 or any state;

5 (4) the impact of the offense on any injured party;

6 (5) the vulnerability of any injured party, including,
7 but not limited to, consideration of the injured party's
8 age, disability, or mental illness;

9 (6) the motive for the offense;

10 (7) the lack of contrition for the offense;

11 (8) the lack of cooperation with the Department or
12 other investigative authorities;

13 (9) the lack of prior disciplinary action, including,
14 but not limited to, action by the Department or by other
15 agencies in this State or by other states or jurisdictions,
16 hospitals, health care facilities, residency programs,
17 employers, insurance providers, or any of the armed forces
18 of the United States or any state;

19 (10) contrition for the offense;

20 (11) cooperation with the Department or other
21 investigative authorities;

22 (12) restitution to injured parties;

23 (13) whether the misconduct was self-reported;

24 (14) any voluntary remedial actions taken or other
25 evidence of rehabilitation; and

26 (15) the date of conviction.

1 (b) No person who has been convicted of any offense listed
2 in subsection (a) or required to register as a sex offender may
3 receive a license as a health care worker in Illinois. The
4 process for petition and review by the Department provided in
5 subsection (a-1) shall also apply to a person whose application
6 for licensure is denied pursuant to item (3) of subsection (a)
7 of ~~under~~ this Section for a conviction of a forcible felony,
8 other than a forcible felony requiring registration under the
9 Sex Offender Registration Act, ~~or~~ involuntary sexual servitude
10 of a minor that is a forcible felony, or a criminal battery
11 against any patient in the course of patient care or treatment,
12 who is not required to register as a sex offender.

13 (c) Immediately after a licensed health care worker, as
14 defined in the Health Care Worker Self-Referral Act, has been
15 charged with any offense for which the sentence includes
16 registration as a sex offender; involuntary sexual servitude of
17 a minor; a criminal battery against a patient, including any
18 offense based on sexual conduct or sexual penetration, in the
19 course of patient care or treatment; or a forcible felony; then
20 the prosecuting attorney shall provide notice to the Department
21 of the health care worker's name, address, practice address,
22 and license number and the patient's name and a copy of the
23 criminal charges filed. Within 5 business days after receiving
24 notice from the prosecuting attorney of the filing of criminal
25 charges against the health care worker, the Secretary shall
26 issue an administrative order that the health care worker shall

1 immediately practice only with a chaperone during all patient
2 encounters pending the outcome of the criminal proceedings. The
3 chaperone must be a licensed health care worker. The chaperone
4 shall provide written notice to all of the health care worker's
5 patients explaining the Department's order to use a chaperone.
6 Each patient shall sign an acknowledgement that they received
7 the notice. The notice to the patient of criminal charges shall
8 include, in 14-point font, the following statement: "The health
9 care worker is presumed innocent until proven guilty of the
10 charges.". The licensed health care worker shall provide a
11 written plan of compliance with the administrative order that
12 is acceptable to the Department within 5 days after receipt of
13 the administrative order. Failure to comply with the
14 administrative order, failure to file a compliance plan, or
15 failure to follow the compliance plan shall subject the health
16 care worker to temporary suspension of his or her professional
17 license until the completion of the criminal proceedings.

18 (d) Nothing contained in this Section shall act in any way
19 to waive or modify the confidentiality of information provided
20 by the prosecuting attorney to the extent provided by law. Any
21 information reported or disclosed shall be kept for the
22 confidential use of the Secretary, Department attorneys, the
23 investigative staff, and authorized clerical staff and shall be
24 afforded the same status as is provided information under Part
25 21 of Article VIII of the Code of Civil Procedure, except that
26 the Department may disclose information and documents to (1) a

1 federal, State, or local law enforcement agency pursuant to a
2 subpoena in an ongoing criminal investigation or (2) an
3 appropriate licensing authority of another state or
4 jurisdiction pursuant to an official request made by that
5 authority. Any information and documents disclosed to a
6 federal, State, or local law enforcement agency may be used by
7 that agency only for the investigation and prosecution of a
8 criminal offense. Any information or documents disclosed by the
9 Department to a professional licensing authority of another
10 state or jurisdiction may only be used by that authority for
11 investigations and disciplinary proceedings with regards to a
12 professional license.

13 (e) Any licensee whose license was revoked or who received
14 an administrative order under this Section shall have the
15 revocation or administrative order vacated and completely
16 removed from the licensee's records and public view and the
17 revocation or administrative order shall be afforded the same
18 status as is provided information under Part 21 of Article VIII
19 of the Code of Civil Procedure if (1) the charges upon which
20 the revocation or administrative order is based are dropped;
21 (2) the licensee is not convicted of the charges upon which the
22 revocation or administrative order is based; or (3) any
23 conviction for charges upon which the revocation or
24 administrative order was based have been vacated, overturned,
25 or reversed.

26 (f) Nothing contained in this Section shall prohibit the

1 Department from initiating or maintaining a disciplinary
2 action against a licensee independent from any criminal
3 charges, conviction, or sex offender registration.

4 (g) The Department may adopt rules necessary to implement
5 this Section.

6 (Source: P.A. 99-886, eff. 1-1-17.)

7 (20 ILCS 2105/2105-170)

8 Sec. 2105-170. Health care workers; automatic suspension
9 of license. A health care worker, as defined by the Health Care
10 Worker Self-Referral Act, licensed by the Department shall be
11 automatically and indefinitely suspended if the ~~at such time as~~
12 ~~the final trial proceedings are concluded whereby~~ a licensee
13 has either been ~~either~~ convicted of⁷ or has entered a plea of
14 guilty or nolo contendere in a criminal prosecution to⁷ a
15 criminal health care or criminal insurance fraud offense⁷
16 requiring intent⁷ under the laws of the State, the laws of any
17 other state, or the laws of the United States of America,
18 including, but not limited to, criminal Medicare or Medicaid
19 fraud. A certified copy of the conviction or judgment shall be
20 the basis for the suspension. If a licensee requests a hearing,
21 then the sole purpose of the hearing shall be limited to the
22 length of the suspension of the licensee's license, as the
23 conviction or judgment is a matter of record and may not be
24 challenged.

25 (Source: P.A. 99-211, eff. 1-1-16.)

1 (20 ILCS 2105/2105-207)

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

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

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

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

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

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

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

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

23 (2) continuing education;

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

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

1 registration or ancillary license;

2 (5) advertising; or

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

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

18 (d) Any applicant for licensure or a licensee whose
19 petition for review is granted by the Department pursuant to
20 subsection (a-1) of Section 2105-165 of this Law may file an
21 application with the Department on forms provided by the
22 Department to have records relating to his or her permanent
23 denial or permanent revocation classified as confidential and
24 not for public release and considered expunged for reporting
25 purposes in the same manner and under the same terms as is
26 provided in this Section for the offenses listed in subsection

1 (b) of this Section, except that the requirements of a 7-year
2 waiting period and the \$200 application fee do not apply.

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

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