

HB2441



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2441

by Rep. Keith P. Sommer

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Requires the Department of Financial and Professional Regulation to provide a copy of the complaint filed against a licensee to the licensee with the identity of the complainant redacted and an indication as to whether the complaint was filed anonymously or by an identified party.

LRB100 08243 SMS 18343 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15)

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

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

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

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

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

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

25 The Department shall issue a monthly disciplinary
26 report.

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

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

26 The Department, without further process or hearings,

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

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

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

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

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

1 necessary to implement this paragraph.

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

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

15 (b) (Blank).

16 (c) For the purpose of securing and preparing evidence, and
17 for the purchase of controlled substances, professional
18 services, and equipment necessary for enforcement activities,
19 recoupment of investigative costs, and other activities
20 directed at suppressing the misuse and abuse of controlled
21 substances, including those activities set forth in Sections
22 504 and 508 of the Illinois Controlled Substances Act, the
23 Director and agents appointed and authorized by the Director
24 may expend sums from the Professional Regulation Evidence Fund
25 that the Director deems necessary from the amounts appropriated
26 for that purpose. Those sums may be advanced to the agent when

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

20 (d) Whenever the Department is authorized or required by
21 law to consider some aspect of criminal history record
22 information for the purpose of carrying out its statutory
23 powers and responsibilities, then, upon request and payment of
24 fees in conformance with the requirements of Section 2605-400
25 of the Department of State Police Law (20 ILCS 2605/2605-400),
26 the Department of State Police is authorized to furnish,

1 pursuant to positive identification, the information contained
2 in State files that is necessary to fulfill the request.

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

6 (f) (Blank).

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

21 In addition, a complaint filed with the Department by the
22 Illinois Department of Revenue that includes a certification,
23 signed by its Director or designee, attesting to the amount of
24 the unpaid tax liability or the years for which a return was
25 not filed, or both, is prima facie evidence of the licensee's
26 failure to comply with the tax laws administered by the

1 Illinois Department of Revenue. Upon receipt of that
2 certification, the Department shall, without a hearing,
3 immediately suspend all licenses held by the licensee.
4 Enforcement of the Department's order shall be stayed for 60
5 days. The Department shall provide notice of the suspension to
6 the licensee by mailing a copy of the Department's order by
7 certified and regular mail to the licensee's last known address
8 as registered with the Department. The notice shall advise the
9 licensee that the suspension shall be effective 60 days after
10 the issuance of the Department's order unless the Department
11 receives, from the licensee, a request for a hearing before the
12 Department to dispute the matters contained in the order.

13 Any suspension imposed under this subsection (g) shall be
14 terminated by the Department upon notification from the
15 Illinois Department of Revenue that the licensee is in
16 compliance with all tax laws administered by the Illinois
17 Department of Revenue.

18 The Department may promulgate rules for the administration
19 of this subsection (g).

20 (h) The Department may grant the title "Retired", to be
21 used immediately adjacent to the title of a profession
22 regulated by the Department, to eligible retirees. For
23 individuals licensed under the Medical Practice Act of 1987,
24 the title "Retired" may be used in the profile required by the
25 Patients' Right to Know Act. The use of the title "Retired"
26 shall not constitute representation of current licensure,

1 registration, or certification. Any person without an active
2 license, registration, or certificate in a profession that
3 requires licensure, registration, or certification shall not
4 be permitted to practice that profession.

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

17 (j) The Department shall, upon opening an investigation in
18 response to a complaint against an individual licensed by the
19 Department, provide the licensee with a copy of the complaint
20 with the identity of the complainant redacted and an indication
21 as to whether the complaint was filed anonymously or by an
22 identified party.

23 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,
24 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; 99-642,
25 eff. 7-28-16; 99-933, eff. 1-27-17.)