

HB3395



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3395

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Identification Act. Includes federal or State public records in the definition of "expunge". Amends various Acts related to occupational and professional licensing. Provides that no consideration shall be given to convictions entered prior to the date of the application, where the applicant has completed any sentence imposed for that conviction, including any period of mandatory supervised release.

LRB100 06973 SMS 17024 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 Criminal Identification Act is amended by
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have
10 the meanings set forth in this subsection, except when a
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings
13 ascribed to them in the Unified Code of Corrections,
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),
2 (xi) Petty Offense (730 ILCS 5/5-1-17),
3 (xii) Probation (730 ILCS 5/5-1-18),
4 (xiii) Sentence (730 ILCS 5/5-1-19),
5 (xiv) Supervision (730 ILCS 5/5-1-21), and
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by 730 ILCS
9 5/5-1-3) brought against a defendant where the
10 defendant is not arrested prior to or as a direct
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered by
15 a legally constituted jury or by a court of competent
16 jurisdiction authorized to try the case without a jury.
17 An order of supervision successfully completed by the
18 petitioner is not a conviction. An order of qualified
19 probation (as defined in subsection (a)(1)(J))
20 successfully completed by the petitioner is not a
21 conviction. An order of supervision or an order of
22 qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

7 (E) "Expunge" means to physically destroy the
8 records or return them to the petitioner and to
9 obliterate the petitioner's name from any official
10 index or federal or State public record, or both.
11 Nothing in this Act shall require the physical
12 destruction of the circuit court file, but such records
13 relating to arrests or charges, or both, ordered
14 expunged shall be impounded as required by subsections
15 (d)(9)(A)(ii) and (d)(9)(B)(ii).

16 (F) As used in this Section, "last sentence" means
17 the sentence, order of supervision, or order of
18 qualified probation (as defined by subsection
19 (a)(1)(J)), for a criminal offense (as defined by
20 subsection (a)(1)(D)) that terminates last in time in
21 any jurisdiction, regardless of whether the petitioner
22 has included the criminal offense for which the
23 sentence or order of supervision or qualified
24 probation was imposed in his or her petition. If
25 multiple sentences, orders of supervision, or orders
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively considered
2 the "last sentence" regardless of whether they were
3 ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,
5 business offense, or Class C misdemeanor under the
6 Illinois Vehicle Code or a similar provision of a
7 municipal or local ordinance.

8 (H) "Municipal ordinance violation" means an
9 offense defined by a municipal or local ordinance that
10 is criminal in nature and with which the petitioner was
11 charged or for which the petitioner was arrested and
12 released without charging.

13 (I) "Petitioner" means an adult or a minor
14 prosecuted as an adult who has applied for relief under
15 this Section.

16 (J) "Qualified probation" means an order of
17 probation under Section 10 of the Cannabis Control Act,
18 Section 410 of the Illinois Controlled Substances Act,
19 Section 70 of the Methamphetamine Control and
20 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
21 of the Unified Code of Corrections, Section
22 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
23 those provisions existed before their deletion by
24 Public Act 89-313), Section 10-102 of the Illinois
25 Alcoholism and Other Drug Dependency Act, Section
26 40-10 of the Alcoholism and Other Drug Abuse and

1 Dependency Act, or Section 10 of the Steroid Control
2 Act. For the purpose of this Section, "successful
3 completion" of an order of qualified probation under
4 Section 10-102 of the Illinois Alcoholism and Other
5 Drug Dependency Act and Section 40-10 of the Alcoholism
6 and Other Drug Abuse and Dependency Act means that the
7 probation was terminated satisfactorily and the
8 judgment of conviction was vacated.

9 (K) "Seal" means to physically and electronically
10 maintain the records, unless the records would
11 otherwise be destroyed due to age, but to make the
12 records unavailable without a court order, subject to
13 the exceptions in Sections 12 and 13 of this Act. The
14 petitioner's name shall also be obliterated from the
15 official index required to be kept by the circuit court
16 clerk under Section 16 of the Clerks of Courts Act, but
17 any index issued by the circuit court clerk before the
18 entry of the order to seal shall not be affected.

19 (L) "Sexual offense committed against a minor"
20 includes but is not limited to the offenses of indecent
21 solicitation of a child or criminal sexual abuse when
22 the victim of such offense is under 18 years of age.

23 (M) "Terminate" as it relates to a sentence or
24 order of supervision or qualified probation includes
25 either satisfactory or unsatisfactory termination of
26 the sentence, unless otherwise specified in this

1 Section.

2 (2) Minor Traffic Offenses. Orders of supervision or
3 convictions for minor traffic offenses shall not affect a
4 petitioner's eligibility to expunge or seal records
5 pursuant to this Section.

6 (2.5) Commencing 180 days after July 29, 2016 (the
7 effective date of Public Act 99-697) ~~this amendatory Act of~~
8 ~~the 99th General Assembly~~, the law enforcement agency
9 issuing the citation shall automatically expunge, on or
10 before January 1 and July 1 of each year, the law
11 enforcement records of a person found to have committed a
12 civil law violation of subsection (a) of Section 4 of the
13 Cannabis Control Act or subsection (c) of Section 3.5 of
14 the Drug Paraphernalia Control Act in the law enforcement
15 agency's possession or control and which contains the final
16 satisfactory disposition which pertain to the person
17 issued a citation for that offense. The law enforcement
18 agency shall provide by rule the process for access,
19 review, and to confirm the automatic expungement by the law
20 enforcement agency issuing the citation. Commencing 180
21 days after July 29, 2016 (the effective date of Public Act
22 99-697) ~~this amendatory Act of the 99th General Assembly~~,
23 the clerk of the circuit court shall expunge, upon order of
24 the court, or in the absence of a court order on or before
25 January 1 and July 1 of each year, the court records of a
26 person found in the circuit court to have committed a civil

1 law violation of subsection (a) of Section 4 of the
2 Cannabis Control Act or subsection (c) of Section 3.5 of
3 the Drug Paraphernalia Control Act in the clerk's
4 possession or control and which contains the final
5 satisfactory disposition which pertain to the person
6 issued a citation for any of those offenses.

7 (3) Exclusions. Except as otherwise provided in
8 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
9 of this Section, the court shall not order:

10 (A) the sealing or expungement of the records of
11 arrests or charges not initiated by arrest that result
12 in an order of supervision for or conviction of: (i)
13 any sexual offense committed against a minor; (ii)
14 Section 11-501 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance; or (iii)
16 Section 11-503 of the Illinois Vehicle Code or a
17 similar provision of a local ordinance, unless the
18 arrest or charge is for a misdemeanor violation of
19 subsection (a) of Section 11-503 or a similar provision
20 of a local ordinance, that occurred prior to the
21 offender reaching the age of 25 years and the offender
22 has no other conviction for violating Section 11-501 or
23 11-503 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance.

25 (B) the sealing or expungement of records of minor
26 traffic offenses (as defined in subsection (a) (1) (G)),

1 unless the petitioner was arrested and released
2 without charging.

3 (C) the sealing of the records of arrests or
4 charges not initiated by arrest which result in an
5 order of supervision or a conviction for the following
6 offenses:

7 (i) offenses included in Article 11 of the
8 Criminal Code of 1961 or the Criminal Code of 2012
9 or a similar provision of a local ordinance, except
10 Section 11-14 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, or a similar provision of a
12 local ordinance;

13 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
14 26-5, or 48-1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, or a similar provision of a
16 local ordinance;

17 (iii) Sections 12-3.1 or 12-3.2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012,
19 or Section 125 of the Stalking No Contact Order
20 Act, or Section 219 of the Civil No Contact Order
21 Act, or a similar provision of a local ordinance;

22 (iv) offenses which are Class A misdemeanors
23 under the Humane Care for Animals Act; or

24 (v) any offense or attempted offense that
25 would subject a person to registration under the
26 Sex Offender Registration Act.

1 (D) the sealing of the records of an arrest which
2 results in the petitioner being charged with a felony
3 offense or records of a charge not initiated by arrest
4 for a felony offense unless:

5 (i) the charge is amended to a misdemeanor and
6 is otherwise eligible to be sealed pursuant to
7 subsection (c);

8 (ii) the charge is brought along with another
9 charge as a part of one case and the charge results
10 in acquittal, dismissal, or conviction when the
11 conviction was reversed or vacated, and another
12 charge brought in the same case results in a
13 disposition for a misdemeanor offense that is
14 eligible to be sealed pursuant to subsection (c) or
15 a disposition listed in paragraph (i), (iii), or
16 (iv) of this subsection;

17 (iii) the charge results in first offender
18 probation as set forth in subsection (c) (2) (E);

19 (iv) the charge is for a felony offense listed
20 in subsection (c) (2) (F) or the charge is amended to
21 a felony offense listed in subsection (c) (2) (F);

22 (v) the charge results in acquittal,
23 dismissal, or the petitioner's release without
24 conviction; or

25 (vi) the charge results in a conviction, but
26 the conviction was reversed or vacated.

1 (b) Expungement.

2 (1) A petitioner may petition the circuit court to
3 expunge the records of his or her arrests and charges not
4 initiated by arrest when each arrest or charge not
5 initiated by arrest sought to be expunged resulted in: (i)
6 acquittal, dismissal, or the petitioner's release without
7 charging, unless excluded by subsection (a)(3)(B); (ii) a
8 conviction which was vacated or reversed, unless excluded
9 by subsection (a)(3)(B); (iii) an order of supervision and
10 such supervision was successfully completed by the
11 petitioner, unless excluded by subsection (a)(3)(A) or
12 (a)(3)(B); or (iv) an order of qualified probation (as
13 defined in subsection (a)(1)(J)) and such probation was
14 successfully completed by the petitioner.

15 (1.5) When a petitioner seeks to have a record of
16 arrest expunged under this Section, and the offender has
17 been convicted of a criminal offense, the State's Attorney
18 may object to the expungement on the grounds that the
19 records contain specific relevant information aside from
20 the mere fact of the arrest.

21 (2) Time frame for filing a petition to expunge.

22 (A) When the arrest or charge not initiated by
23 arrest sought to be expunged resulted in an acquittal,
24 dismissal, the petitioner's release without charging,
25 or the reversal or vacation of a conviction, there is
26 no waiting period to petition for the expungement of

1 such records.

2 (B) When the arrest or charge not initiated by
3 arrest sought to be expunged resulted in an order of
4 supervision, successfully completed by the petitioner,
5 the following time frames will apply:

6 (i) Those arrests or charges that resulted in
7 orders of supervision under Section 3-707, 3-708,
8 3-710, or 5-401.3 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance, or under
10 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
11 Code of 1961 or the Criminal Code of 2012, or a
12 similar provision of a local ordinance, shall not
13 be eligible for expungement until 5 years have
14 passed following the satisfactory termination of
15 the supervision.

16 (i-5) Those arrests or charges that resulted
17 in orders of supervision for a misdemeanor
18 violation of subsection (a) of Section 11-503 of
19 the Illinois Vehicle Code or a similar provision of
20 a local ordinance, that occurred prior to the
21 offender reaching the age of 25 years and the
22 offender has no other conviction for violating
23 Section 11-501 or 11-503 of the Illinois Vehicle
24 Code or a similar provision of a local ordinance
25 shall not be eligible for expungement until the
26 petitioner has reached the age of 25 years.

1 (ii) Those arrests or charges that resulted in
2 orders of supervision for any other offenses shall
3 not be eligible for expungement until 2 years have
4 passed following the satisfactory termination of
5 the supervision.

6 (C) When the arrest or charge not initiated by
7 arrest sought to be expunged resulted in an order of
8 qualified probation, successfully completed by the
9 petitioner, such records shall not be eligible for
10 expungement until 5 years have passed following the
11 satisfactory termination of the probation.

12 (3) Those records maintained by the Department for
13 persons arrested prior to their 17th birthday shall be
14 expunged as provided in Section 5-915 of the Juvenile Court
15 Act of 1987.

16 (4) Whenever a person has been arrested for or
17 convicted of any offense, in the name of a person whose
18 identity he or she has stolen or otherwise come into
19 possession of, the aggrieved person from whom the identity
20 was stolen or otherwise obtained without authorization,
21 upon learning of the person having been arrested using his
22 or her identity, may, upon verified petition to the chief
23 judge of the circuit wherein the arrest was made, have a
24 court order entered nunc pro tunc by the Chief Judge to
25 correct the arrest record, conviction record, if any, and
26 all official records of the arresting authority, the

1 Department, other criminal justice agencies, the
2 prosecutor, and the trial court concerning such arrest, if
3 any, by removing his or her name from all such records in
4 connection with the arrest and conviction, if any, and by
5 inserting in the records the name of the offender, if known
6 or ascertainable, in lieu of the aggrieved's name. The
7 records of the circuit court clerk shall be sealed until
8 further order of the court upon good cause shown and the
9 name of the aggrieved person obliterated on the official
10 index required to be kept by the circuit court clerk under
11 Section 16 of the Clerks of Courts Act, but the order shall
12 not affect any index issued by the circuit court clerk
13 before the entry of the order. Nothing in this Section
14 shall limit the Department of State Police or other
15 criminal justice agencies or prosecutors from listing
16 under an offender's name the false names he or she has
17 used.

18 (5) Whenever a person has been convicted of criminal
19 sexual assault, aggravated criminal sexual assault,
20 predatory criminal sexual assault of a child, criminal
21 sexual abuse, or aggravated criminal sexual abuse, the
22 victim of that offense may request that the State's
23 Attorney of the county in which the conviction occurred
24 file a verified petition with the presiding trial judge at
25 the petitioner's trial to have a court order entered to
26 seal the records of the circuit court clerk in connection

1 with the proceedings of the trial court concerning that
2 offense. However, the records of the arresting authority
3 and the Department of State Police concerning the offense
4 shall not be sealed. The court, upon good cause shown,
5 shall make the records of the circuit court clerk in
6 connection with the proceedings of the trial court
7 concerning the offense available for public inspection.

8 (6) If a conviction has been set aside on direct review
9 or on collateral attack and the court determines by clear
10 and convincing evidence that the petitioner was factually
11 innocent of the charge, the court that finds the petitioner
12 factually innocent of the charge shall enter an expungement
13 order for the conviction for which the petitioner has been
14 determined to be innocent as provided in subsection (b) of
15 Section 5-5-4 of the Unified Code of Corrections.

16 (7) Nothing in this Section shall prevent the
17 Department of State Police from maintaining all records of
18 any person who is admitted to probation upon terms and
19 conditions and who fulfills those terms and conditions
20 pursuant to Section 10 of the Cannabis Control Act, Section
21 410 of the Illinois Controlled Substances Act, Section 70
22 of the Methamphetamine Control and Community Protection
23 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
24 Corrections, Section 12-4.3 or subdivision (b)(1) of
25 Section 12-3.05 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, Section 10-102 of the Illinois

1 Alcoholism and Other Drug Dependency Act, Section 40-10 of
2 the Alcoholism and Other Drug Abuse and Dependency Act, or
3 Section 10 of the Steroid Control Act.

4 (8) If the petitioner has been granted a certificate of
5 innocence under Section 2-702 of the Code of Civil
6 Procedure, the court that grants the certificate of
7 innocence shall also enter an order expunging the
8 conviction for which the petitioner has been determined to
9 be innocent as provided in subsection (h) of Section 2-702
10 of the Code of Civil Procedure.

11 (c) Sealing.

12 (1) Applicability. Notwithstanding any other provision
13 of this Act to the contrary, and cumulative with any rights
14 to expungement of criminal records, this subsection
15 authorizes the sealing of criminal records of adults and of
16 minors prosecuted as adults.

17 (2) Eligible Records. The following records may be
18 sealed:

19 (A) All arrests resulting in release without
20 charging;

21 (B) Arrests or charges not initiated by arrest
22 resulting in acquittal, dismissal, or conviction when
23 the conviction was reversed or vacated, except as
24 excluded by subsection (a) (3) (B);

25 (C) Arrests or charges not initiated by arrest
26 resulting in orders of supervision, including orders

1 of supervision for municipal ordinance violations,
2 successfully completed by the petitioner, unless
3 excluded by subsection (a) (3);

4 (D) Arrests or charges not initiated by arrest
5 resulting in convictions, including convictions on
6 municipal ordinance violations, unless excluded by
7 subsection (a) (3);

8 (E) Arrests or charges not initiated by arrest
9 resulting in orders of first offender probation under
10 Section 10 of the Cannabis Control Act, Section 410 of
11 the Illinois Controlled Substances Act, Section 70 of
12 the Methamphetamine Control and Community Protection
13 Act, or Section 5-6-3.3 of the Unified Code of
14 Corrections; and

15 (F) Arrests or charges not initiated by arrest
16 resulting in felony convictions for the following
17 offenses:

18 (i) Class 4 felony convictions for:

19 Prostitution under Section 11-14 of the
20 Criminal Code of 1961 or the Criminal Code of
21 2012.

22 Possession of cannabis under Section 4 of
23 the Cannabis Control Act.

24 Possession of a controlled substance under
25 Section 402 of the Illinois Controlled
26 Substances Act.

1 Offenses under the Methamphetamine
2 Precursor Control Act.

3 Offenses under the Steroid Control Act.

4 Theft under Section 16-1 of the Criminal
5 Code of 1961 or the Criminal Code of 2012.

6 Retail theft under Section 16A-3 or
7 paragraph (a) of 16-25 of the Criminal Code of
8 1961 or the Criminal Code of 2012.

9 Deceptive practices under Section 17-1 of
10 the Criminal Code of 1961 or the Criminal Code
11 of 2012.

12 Forgery under Section 17-3 of the Criminal
13 Code of 1961 or the Criminal Code of 2012.

14 Possession of burglary tools under Section
15 19-2 of the Criminal Code of 1961 or the
16 Criminal Code of 2012.

17 (ii) Class 3 felony convictions for:

18 Theft under Section 16-1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

20 Retail theft under Section 16A-3 or
21 paragraph (a) of 16-25 of the Criminal Code of
22 1961 or the Criminal Code of 2012.

23 Deceptive practices under Section 17-1 of
24 the Criminal Code of 1961 or the Criminal Code
25 of 2012.

26 Forgery under Section 17-3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 Possession with intent to manufacture or
3 deliver a controlled substance under Section
4 401 of the Illinois Controlled Substances Act.

5 (3) When Records Are Eligible to Be Sealed. Records
6 identified as eligible under subsection (c)(2) may be
7 sealed as follows:

8 (A) Records identified as eligible under
9 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
10 time.

11 (B) Except as otherwise provided in subparagraph
12 (E) of this paragraph (3), records identified as
13 eligible under subsection (c)(2)(C) may be sealed 2
14 years after the termination of petitioner's last
15 sentence (as defined in subsection (a)(1)(F)).

16 (C) Except as otherwise provided in subparagraph
17 (E) of this paragraph (3), records identified as
18 eligible under subsections (c)(2)(D), (c)(2)(E), and
19 (c)(2)(F) may be sealed 3 years after the termination
20 of the petitioner's last sentence (as defined in
21 subsection (a)(1)(F)).

22 (D) Records identified in subsection
23 (a)(3)(A)(iii) may be sealed after the petitioner has
24 reached the age of 25 years.

25 (E) Records identified as eligible under
26 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or

1 (c) (2) (F) may be sealed upon termination of the
2 petitioner's last sentence if the petitioner earned a
3 high school diploma, associate's degree, career
4 certificate, vocational technical certification, or
5 bachelor's degree, or passed the high school level Test
6 of General Educational Development, during the period
7 of his or her sentence, aftercare release, or mandatory
8 supervised release. This subparagraph shall apply only
9 to a petitioner who has not completed the same
10 educational goal prior to the period of his or her
11 sentence, aftercare release, or mandatory supervised
12 release. If a petition for sealing eligible records
13 filed under this subparagraph is denied by the court,
14 the time periods under subparagraph (B) or (C) shall
15 apply to any subsequent petition for sealing filed by
16 the petitioner.

17 (4) Subsequent felony convictions. A person may not
18 have subsequent felony conviction records sealed as
19 provided in this subsection (c) if he or she is convicted
20 of any felony offense after the date of the sealing of
21 prior felony convictions as provided in this subsection
22 (c). The court may, upon conviction for a subsequent felony
23 offense, order the unsealing of prior felony conviction
24 records previously ordered sealed by the court.

25 (5) Notice of eligibility for sealing. Upon entry of a
26 disposition for an eligible record under this subsection

1 (c), the petitioner shall be informed by the court of the
2 right to have the records sealed and the procedures for the
3 sealing of the records.

4 (d) Procedure. The following procedures apply to
5 expungement under subsections (b), (e), and (e-6) and sealing
6 under subsections (c) and (e-5):

7 (1) Filing the petition. Upon becoming eligible to
8 petition for the expungement or sealing of records under
9 this Section, the petitioner shall file a petition
10 requesting the expungement or sealing of records with the
11 clerk of the court where the arrests occurred or the
12 charges were brought, or both. If arrests occurred or
13 charges were brought in multiple jurisdictions, a petition
14 must be filed in each such jurisdiction. The petitioner
15 shall pay the applicable fee, except no fee shall be
16 required if the petitioner has obtained a court order
17 waiving fees under Supreme Court Rule 298 or it is
18 otherwise waived.

19 (1.5) County fee waiver pilot program. In a county of
20 3,000,000 or more inhabitants, no fee shall be required to
21 be paid by a petitioner if the records sought to be
22 expunged or sealed were arrests resulting in release
23 without charging or arrests or charges not initiated by
24 arrest resulting in acquittal, dismissal, or conviction
25 when the conviction was reversed or vacated, unless
26 excluded by subsection (a) (3) (B). The provisions of this

1 paragraph (1.5), other than this sentence, are inoperative
2 on and after January 1, 2018 or one year after January 1,
3 2017 (the effective date of Public Act 99-881) ~~this~~
4 ~~amendatory Act of the 99th General Assembly~~, whichever is
5 later.

6 (2) Contents of petition. The petition shall be
7 verified and shall contain the petitioner's name, date of
8 birth, current address and, for each arrest or charge not
9 initiated by arrest sought to be sealed or expunged, the
10 case number, the date of arrest (if any), the identity of
11 the arresting authority, and such other information as the
12 court may require. During the pendency of the proceeding,
13 the petitioner shall promptly notify the circuit court
14 clerk of any change of his or her address. If the
15 petitioner has received a certificate of eligibility for
16 sealing from the Prisoner Review Board under paragraph (10)
17 of subsection (a) of Section 3-3-2 of the Unified Code of
18 Corrections, the certificate shall be attached to the
19 petition.

20 (3) Drug test. The petitioner must attach to the
21 petition proof that the petitioner has passed a test taken
22 within 30 days before the filing of the petition showing
23 the absence within his or her body of all illegal
24 substances as defined by the Illinois Controlled
25 Substances Act, the Methamphetamine Control and Community
26 Protection Act, and the Cannabis Control Act if he or she

1 is petitioning to:

2 (A) seal felony records under clause (c) (2) (E);

3 (B) seal felony records for a violation of the
4 Illinois Controlled Substances Act, the
5 Methamphetamine Control and Community Protection Act,
6 or the Cannabis Control Act under clause (c) (2) (F);

7 (C) seal felony records under subsection (e-5); or

8 (D) expunge felony records of a qualified
9 probation under clause (b) (1) (iv).

10 (4) Service of petition. The circuit court clerk shall
11 promptly serve a copy of the petition and documentation to
12 support the petition under subsection (e-5) or (e-6) on the
13 State's Attorney or prosecutor charged with the duty of
14 prosecuting the offense, the Department of State Police,
15 the arresting agency and the chief legal officer of the
16 unit of local government effecting the arrest.

17 (5) Objections.

18 (A) Any party entitled to notice of the petition
19 may file an objection to the petition. All objections
20 shall be in writing, shall be filed with the circuit
21 court clerk, and shall state with specificity the basis
22 of the objection. Whenever a person who has been
23 convicted of an offense is granted a pardon by the
24 Governor which specifically authorizes expungement, an
25 objection to the petition may not be filed.

26 (B) Objections to a petition to expunge or seal

1 must be filed within 60 days of the date of service of
2 the petition.

3 (6) Entry of order.

4 (A) The Chief Judge of the circuit wherein the
5 charge was brought, any judge of that circuit
6 designated by the Chief Judge, or in counties of less
7 than 3,000,000 inhabitants, the presiding trial judge
8 at the petitioner's trial, if any, shall rule on the
9 petition to expunge or seal as set forth in this
10 subsection (d) (6).

11 (B) Unless the State's Attorney or prosecutor, the
12 Department of State Police, the arresting agency, or
13 the chief legal officer files an objection to the
14 petition to expunge or seal within 60 days from the
15 date of service of the petition, the court shall enter
16 an order granting or denying the petition.

17 (7) Hearings. If an objection is filed, the court shall
18 set a date for a hearing and notify the petitioner and all
19 parties entitled to notice of the petition of the hearing
20 date at least 30 days prior to the hearing. Prior to the
21 hearing, the State's Attorney shall consult with the
22 Department as to the appropriateness of the relief sought
23 in the petition to expunge or seal. At the hearing, the
24 court shall hear evidence on whether the petition should or
25 should not be granted, and shall grant or deny the petition
26 to expunge or seal the records based on the evidence

1 presented at the hearing. The court may consider the
2 following:

3 (A) the strength of the evidence supporting the
4 defendant's conviction;

5 (B) the reasons for retention of the conviction
6 records by the State;

7 (C) the petitioner's age, criminal record history,
8 and employment history;

9 (D) the period of time between the petitioner's
10 arrest on the charge resulting in the conviction and
11 the filing of the petition under this Section; and

12 (E) the specific adverse consequences the
13 petitioner may be subject to if the petition is denied.

14 (8) Service of order. After entering an order to
15 expunge or seal records, the court must provide copies of
16 the order to the Department, in a form and manner
17 prescribed by the Department, to the petitioner, to the
18 State's Attorney or prosecutor charged with the duty of
19 prosecuting the offense, to the arresting agency, to the
20 chief legal officer of the unit of local government
21 effecting the arrest, and to such other criminal justice
22 agencies as may be ordered by the court.

23 (9) Implementation of order.

24 (A) Upon entry of an order to expunge records
25 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

26 (i) the records shall be expunged (as defined

1 in subsection (a)(1)(E)) by the arresting agency,
2 the Department, and any other agency as ordered by
3 the court, within 60 days of the date of service of
4 the order, unless a motion to vacate, modify, or
5 reconsider the order is filed pursuant to
6 paragraph (12) of subsection (d) of this Section;

7 (ii) the records of the circuit court clerk
8 shall be impounded until further order of the court
9 upon good cause shown and the name of the
10 petitioner obliterated on the official index
11 required to be kept by the circuit court clerk
12 under Section 16 of the Clerks of Courts Act, but
13 the order shall not affect any index issued by the
14 circuit court clerk before the entry of the order;
15 and

16 (iii) in response to an inquiry for expunged
17 records, the court, the Department, or the agency
18 receiving such inquiry, shall reply as it does in
19 response to inquiries when no records ever
20 existed.

21 (B) Upon entry of an order to expunge records
22 pursuant to (b)(2)(B)(i) or (b)(2)(C), or both:

23 (i) the records shall be expunged (as defined
24 in subsection (a)(1)(E)) by the arresting agency
25 and any other agency as ordered by the court,
26 within 60 days of the date of service of the order,

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

4 (ii) the records of the circuit court clerk
5 shall be impounded until further order of the court
6 upon good cause shown and the name of the
7 petitioner obliterated on the official index
8 required to be kept by the circuit court clerk
9 under Section 16 of the Clerks of Courts Act, but
10 the order shall not affect any index issued by the
11 circuit court clerk before the entry of the order;

12 (iii) the records shall be impounded by the
13 Department within 60 days of the date of service of
14 the order as ordered by the court, unless a motion
15 to vacate, modify, or reconsider the order is filed
16 pursuant to paragraph (12) of subsection (d) of
17 this Section;

18 (iv) records impounded by the Department may
19 be disseminated by the Department only as required
20 by law or to the arresting authority, the State's
21 Attorney, and the court upon a later arrest for the
22 same or a similar offense or for the purpose of
23 sentencing for any subsequent felony, and to the
24 Department of Corrections upon conviction for any
25 offense; and

26 (v) in response to an inquiry for such records

1 from anyone not authorized by law to access such
2 records, the court, the Department, or the agency
3 receiving such inquiry shall reply as it does in
4 response to inquiries when no records ever
5 existed.

6 (B-5) Upon entry of an order to expunge records
7 under subsection (e-6):

8 (i) the records shall be expunged (as defined
9 in subsection (a)(1)(E)) by the arresting agency
10 and any other agency as ordered by the court,
11 within 60 days of the date of service of the order,
12 unless a motion to vacate, modify, or reconsider
13 the order is filed under paragraph (12) of
14 subsection (d) of this Section;

15 (ii) the records of the circuit court clerk
16 shall be impounded until further order of the court
17 upon good cause shown and the name of the
18 petitioner obliterated on the official index
19 required to be kept by the circuit court clerk
20 under Section 16 of the Clerks of Courts Act, but
21 the order shall not affect any index issued by the
22 circuit court clerk before the entry of the order;

23 (iii) the records shall be impounded by the
24 Department within 60 days of the date of service of
25 the order as ordered by the court, unless a motion
26 to vacate, modify, or reconsider the order is filed

1 under paragraph (12) of subsection (d) of this
2 Section;

3 (iv) records impounded by the Department may
4 be disseminated by the Department only as required
5 by law or to the arresting authority, the State's
6 Attorney, and the court upon a later arrest for the
7 same or a similar offense or for the purpose of
8 sentencing for any subsequent felony, and to the
9 Department of Corrections upon conviction for any
10 offense; and

11 (v) in response to an inquiry for these records
12 from anyone not authorized by law to access the
13 records, the court, the Department, or the agency
14 receiving the inquiry shall reply as it does in
15 response to inquiries when no records ever
16 existed.

17 (C) Upon entry of an order to seal records under
18 subsection (c), the arresting agency, any other agency
19 as ordered by the court, the Department, and the court
20 shall seal the records (as defined in subsection
21 (a) (1) (K)). In response to an inquiry for such records,
22 from anyone not authorized by law to access such
23 records, the court, the Department, or the agency
24 receiving such inquiry shall reply as it does in
25 response to inquiries when no records ever existed.

26 (D) The Department shall send written notice to the

1 petitioner of its compliance with each order to expunge
2 or seal records within 60 days of the date of service
3 of that order or, if a motion to vacate, modify, or
4 reconsider is filed, within 60 days of service of the
5 order resolving the motion, if that order requires the
6 Department to expunge or seal records. In the event of
7 an appeal from the circuit court order, the Department
8 shall send written notice to the petitioner of its
9 compliance with an Appellate Court or Supreme Court
10 judgment to expunge or seal records within 60 days of
11 the issuance of the court's mandate. The notice is not
12 required while any motion to vacate, modify, or
13 reconsider, or any appeal or petition for
14 discretionary appellate review, is pending.

15 (10) Fees. The Department may charge the petitioner a
16 fee equivalent to the cost of processing any order to
17 expunge or seal records. Notwithstanding any provision of
18 the Clerks of Courts Act to the contrary, the circuit court
19 clerk may charge a fee equivalent to the cost associated
20 with the sealing or expungement of records by the circuit
21 court clerk. From the total filing fee collected for the
22 petition to seal or expunge, the circuit court clerk shall
23 deposit \$10 into the Circuit Court Clerk Operation and
24 Administrative Fund, to be used to offset the costs
25 incurred by the circuit court clerk in performing the
26 additional duties required to serve the petition to seal or

1 expunge on all parties. The circuit court clerk shall
2 collect and forward the Department of State Police portion
3 of the fee to the Department and it shall be deposited in
4 the State Police Services Fund.

5 (11) Final Order. No court order issued under the
6 expungement or sealing provisions of this Section shall
7 become final for purposes of appeal until 30 days after
8 service of the order on the petitioner and all parties
9 entitled to notice of the petition.

10 (12) Motion to Vacate, Modify, or Reconsider. Under
11 Section 2-1203 of the Code of Civil Procedure, the
12 petitioner or any party entitled to notice may file a
13 motion to vacate, modify, or reconsider the order granting
14 or denying the petition to expunge or seal within 60 days
15 of service of the order. If filed more than 60 days after
16 service of the order, a petition to vacate, modify, or
17 reconsider shall comply with subsection (c) of Section
18 2-1401 of the Code of Civil Procedure. Upon filing of a
19 motion to vacate, modify, or reconsider, notice of the
20 motion shall be served upon the petitioner and all parties
21 entitled to notice of the petition.

22 (13) Effect of Order. An order granting a petition
23 under the expungement or sealing provisions of this Section
24 shall not be considered void because it fails to comply
25 with the provisions of this Section or because of any error
26 asserted in a motion to vacate, modify, or reconsider. The

1 circuit court retains jurisdiction to determine whether
2 the order is voidable and to vacate, modify, or reconsider
3 its terms based on a motion filed under paragraph (12) of
4 this subsection (d).

5 (14) Compliance with Order Granting Petition to Seal
6 Records. Unless a court has entered a stay of an order
7 granting a petition to seal, all parties entitled to notice
8 of the petition must fully comply with the terms of the
9 order within 60 days of service of the order even if a
10 party is seeking relief from the order through a motion
11 filed under paragraph (12) of this subsection (d) or is
12 appealing the order.

13 (15) Compliance with Order Granting Petition to
14 Expunge Records. While a party is seeking relief from the
15 order granting the petition to expunge through a motion
16 filed under paragraph (12) of this subsection (d) or is
17 appealing the order, and unless a court has entered a stay
18 of that order, the parties entitled to notice of the
19 petition must seal, but need not expunge, the records until
20 there is a final order on the motion for relief or, in the
21 case of an appeal, the issuance of that court's mandate.

22 (16) The changes to this subsection (d) made by Public
23 Act 98-163 apply to all petitions pending on August 5, 2013
24 (the effective date of Public Act 98-163) and to all orders
25 ruling on a petition to expunge or seal on or after August
26 5, 2013 (the effective date of Public Act 98-163).

1 (e) Whenever a person who has been convicted of an offense
2 is granted a pardon by the Governor which specifically
3 authorizes expungement, he or she may, upon verified petition
4 to the Chief Judge of the circuit where the person had been
5 convicted, any judge of the circuit designated by the Chief
6 Judge, or in counties of less than 3,000,000 inhabitants, the
7 presiding trial judge at the defendant's trial, have a court
8 order entered expunging the record of arrest from the official
9 records of the arresting authority and order that the records
10 of the circuit court clerk and the Department be sealed until
11 further order of the court upon good cause shown or as
12 otherwise provided herein, and the name of the defendant
13 obliterated from the official index requested to be kept by the
14 circuit court clerk under Section 16 of the Clerks of Courts
15 Act in connection with the arrest and conviction for the
16 offense for which he or she had been pardoned but the order
17 shall not affect any index issued by the circuit court clerk
18 before the entry of the order. All records sealed by the
19 Department may be disseminated by the Department only to the
20 arresting authority, the State's Attorney, and the court upon a
21 later arrest for the same or similar offense or for the purpose
22 of sentencing for any subsequent felony. Upon conviction for
23 any subsequent offense, the Department of Corrections shall
24 have access to all sealed records of the Department pertaining
25 to that individual. Upon entry of the order of expungement, the
26 circuit court clerk shall promptly mail a copy of the order to

1 the person who was pardoned.

2 (e-5) Whenever a person who has been convicted of an
3 offense is granted a certificate of eligibility for sealing by
4 the Prisoner Review Board which specifically authorizes
5 sealing, he or she may, upon verified petition to the Chief
6 Judge of the circuit where the person had been convicted, any
7 judge of the circuit designated by the Chief Judge, or in
8 counties of less than 3,000,000 inhabitants, the presiding
9 trial judge at the petitioner's trial, have a court order
10 entered sealing the record of arrest from the official records
11 of the arresting authority and order that the records of the
12 circuit court clerk and the Department be sealed until further
13 order of the court upon good cause shown or as otherwise
14 provided herein, and the name of the petitioner obliterated
15 from the official index requested to be kept by the circuit
16 court clerk under Section 16 of the Clerks of Courts Act in
17 connection with the arrest and conviction for the offense for
18 which he or she had been granted the certificate but the order
19 shall not affect any index issued by the circuit court clerk
20 before the entry of the order. All records sealed by the
21 Department may be disseminated by the Department only as
22 required by this Act or to the arresting authority, a law
23 enforcement agency, the State's Attorney, and the court upon a
24 later arrest for the same or similar offense or for the purpose
25 of sentencing for any subsequent felony. Upon conviction for
26 any subsequent offense, the Department of Corrections shall

1 have access to all sealed records of the Department pertaining
2 to that individual. Upon entry of the order of sealing, the
3 circuit court clerk shall promptly mail a copy of the order to
4 the person who was granted the certificate of eligibility for
5 sealing.

6 (e-6) Whenever a person who has been convicted of an
7 offense is granted a certificate of eligibility for expungement
8 by the Prisoner Review Board which specifically authorizes
9 expungement, he or she may, upon verified petition to the Chief
10 Judge of the circuit where the person had been convicted, any
11 judge of the circuit designated by the Chief Judge, or in
12 counties of less than 3,000,000 inhabitants, the presiding
13 trial judge at the petitioner's trial, have a court order
14 entered expunging the record of arrest from the official
15 records of the arresting authority and order that the records
16 of the circuit court clerk and the Department be sealed until
17 further order of the court upon good cause shown or as
18 otherwise provided herein, and the name of the petitioner
19 obliterated from the official index requested to be kept by the
20 circuit court clerk under Section 16 of the Clerks of Courts
21 Act in connection with the arrest and conviction for the
22 offense for which he or she had been granted the certificate
23 but the order shall not affect any index issued by the circuit
24 court clerk before the entry of the order. All records sealed
25 by the Department may be disseminated by the Department only as
26 required by this Act or to the arresting authority, a law

1 enforcement agency, the State's Attorney, and the court upon a
2 later arrest for the same or similar offense or for the purpose
3 of sentencing for any subsequent felony. Upon conviction for
4 any subsequent offense, the Department of Corrections shall
5 have access to all expunged records of the Department
6 pertaining to that individual. Upon entry of the order of
7 expungement, the circuit court clerk shall promptly mail a copy
8 of the order to the person who was granted the certificate of
9 eligibility for expungement.

10 (f) Subject to available funding, the Illinois Department
11 of Corrections shall conduct a study of the impact of sealing,
12 especially on employment and recidivism rates, utilizing a
13 random sample of those who apply for the sealing of their
14 criminal records under Public Act 93-211. At the request of the
15 Illinois Department of Corrections, records of the Illinois
16 Department of Employment Security shall be utilized as
17 appropriate to assist in the study. The study shall not
18 disclose any data in a manner that would allow the
19 identification of any particular individual or employing unit.
20 The study shall be made available to the General Assembly no
21 later than September 1, 2010.

22 (Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
23 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,
24 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
25 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-378, eff. 1-1-16;
26 99-385, eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff.

1 7-29-16; 99-881, eff. 1-1-17; revised 9-2-16.)

2 Section 10. The School Code is amended by changing Sections
3 21B-15 and 21B-80 as follows:

4 (105 ILCS 5/21B-15)

5 Sec. 21B-15. Qualifications of educators.

6 (a) No one may be licensed to teach or supervise or be
7 otherwise employed in the public schools of this State who is
8 not of good character and at least 20 years of age.

9 In determining good character under this Section, the State
10 Superintendent of Education shall take into consideration the
11 disciplinary actions of other states or national entities
12 against certificates or licenses issued by those states and
13 held by individuals from those states. In addition, certain ~~any~~
14 felony convictions ~~conviction~~ of the applicant may be taken
15 into consideration; however, no one may be licensed to teach or
16 supervise in the public schools of this State who has been
17 convicted of ~~(i) an offense set forth in subsection (b) of~~
18 ~~Section 21B-80 of this Code until 7 years following the end of~~
19 ~~the sentence for the criminal offense or (ii) an offense set~~
20 forth in subsection (c) of Section 21B-80 of this Code. Unless
21 the conviction is for an offense set forth in Section 21B-80 of
22 this Code, an applicant must be permitted to submit character
23 references or other written material before such a conviction
24 or other information regarding the applicant's character may be

1 used by the State Superintendent of Education as a basis for
2 denying the application.

3 (b) No person otherwise qualified shall be denied the right
4 to be licensed or to receive training for the purpose of
5 becoming an educator because of a physical disability,
6 including, but not limited to, visual and hearing disabilities;
7 nor shall any school district refuse to employ a teacher on
8 such grounds, provided that the person is able to carry out the
9 duties of the position for which he or she applies.

10 (c) No person may be granted or continue to hold an
11 educator license who has knowingly altered or misrepresented
12 his or her qualifications, in this State or any other state, in
13 order to acquire or renew the license. Any other license issued
14 under this Article held by the person may be suspended or
15 revoked by the State Educator Preparation and Licensure Board,
16 depending upon the severity of the alteration or
17 misrepresentation.

18 (d) No one may teach or supervise in the public schools nor
19 receive for teaching or supervising any part of any public
20 school fund who does not hold an educator license granted by
21 the State Superintendent of Education as provided in this
22 Article. However, the provisions of this Article do not apply
23 to a member of the armed forces who is employed as a teacher of
24 subjects in the Reserve Officers' Training Corps of any school,
25 nor to an individual teaching a dual credit course as provided
26 for in the Dual Credit Quality Act.

1 (e) Notwithstanding any other provision of this Code, the
2 school board of a school district may grant to a teacher of the
3 district a leave of absence with full pay for a period of not
4 more than one year to permit the teacher to teach in a foreign
5 state under the provisions of the Exchange Teacher Program
6 established under Public Law 584, 79th Congress, and Public Law
7 402, 80th Congress, as amended. The school board granting the
8 leave of absence may employ, with or without pay, a national of
9 the foreign state wherein the teacher on the leave of absence
10 is to teach if the national is qualified to teach in that
11 foreign state and if that national is to teach in a grade level
12 similar to the one that was taught in the foreign state. The
13 State Board of Education, in consultation with the State
14 Educator Preparation and Licensure Board, may adopt rules as
15 may be necessary to implement this subsection (e).

16 (Source: P.A. 99-667, eff. 7-29-16.)

17 (105 ILCS 5/21B-80)

18 Sec. 21B-80. Conviction of certain offenses as grounds for
19 disqualification for licensure or suspension or revocation of a
20 license.

21 (a) As used in this Section:

22 "Drug offense" means any one or more of the following
23 offenses:

24 (1) Any offense defined in the Cannabis Control Act,
25 except those defined in subdivisions (a), (b), and (c) of

1 Section 4 and subdivisions (a) and (b) of Section 5 of the
2 Cannabis Control Act and any offense for which the holder
3 of a license is placed on probation under the provisions of
4 Section 10 of the Cannabis Control Act, provided that if
5 the terms and conditions of probation required by the court
6 are not fulfilled, the offense is not eligible for this
7 exception.

8 (2) Any offense defined in the Illinois Controlled
9 Substances Act, except any offense for which the holder of
10 a license is placed on probation under the provisions of
11 Section 410 of the Illinois Controlled Substances Act,
12 provided that if the terms and conditions of probation
13 required by the court are not fulfilled, the offense is not
14 eligible for this exception.

15 (3) Any offense defined in the Methamphetamine Control
16 and Community Protection Act, except any offense for which
17 the holder of a license is placed on probation under the
18 provision of Section 70 of that Act, provided that if the
19 terms and conditions of probation required by the court are
20 not fulfilled, the offense is not eligible for this
21 exception.

22 (4) Any attempt to commit any of the offenses listed in
23 items (1) through (3) of this definition.

24 (5) Any offense committed or attempted in any other
25 state or against the laws of the United States that, if
26 committed or attempted in this State, would have been

1 punishable as one or more of the offenses listed in items
2 (1) through (4) of this definition.

3 The changes made by Public Act 96-431 to this definition are
4 declaratory of existing law.

5 "Sentence" includes any period of supervision or probation
6 that was imposed either alone or in combination with a period
7 of incarceration.

8 "Sex offense" means any one or more of the following
9 offenses:

10 (A) Any offense defined in Sections 11-6, 11-9 through
11 11-9.5, inclusive, and 11-30 (if punished as a Class 4
12 felony) of the Criminal Code of 1961 or the Criminal Code
13 of 2012; Sections 11-14.1 through 11-21, inclusive, of the
14 Criminal Code of 1961 or the Criminal Code of 2012;
15 Sections 11-23 (if punished as a Class 3 felony), 11-24,
16 11-25, and 11-26 of the Criminal Code of 1961 or the
17 Criminal Code of 2012; and Sections 11-1.20, 11-1.30,
18 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1,
19 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished
20 pursuant to subdivision (4) or (5) of subsection (d) of
21 Section 26-4) of the Criminal Code of 1961 or the Criminal
22 Code of 2012.

23 (B) Any attempt to commit any of the offenses listed in
24 item (A) of this definition.

25 (C) Any offense committed or attempted in any other
26 state that, if committed or attempted in this State, would

1 have been punishable as one or more of the offenses listed
2 in items (A) and (B) of this definition.

3 (b) Whenever the holder of any license issued pursuant to
4 this Article or applicant for a license to be issued pursuant
5 to this Article has been convicted of any drug offense, other
6 than as provided in subsection (c) of this Section, the State
7 Superintendent of Education shall forthwith suspend the
8 license ~~or deny the application, whichever is applicable,~~ until
9 7 years following the end of the sentence for the criminal
10 offense. If the conviction is reversed and the holder is
11 acquitted of the offense in a new trial or the charges against
12 him or her are dismissed, the State Superintendent of Education
13 shall forthwith terminate the suspension of the license.

14 (c) Whenever the holder of a license issued pursuant to
15 this Article or applicant for a license to be issued pursuant
16 to this Article has been convicted of attempting to commit,
17 conspiring to commit, soliciting, or committing any sex
18 offense, first degree murder, or a Class X felony or any
19 offense committed or attempted in any other state or against
20 the laws of the United States that, if committed or attempted
21 in this State, would have been punishable as one or more of the
22 foregoing offenses, the State Superintendent of Education
23 shall forthwith suspend the license or deny the application,
24 whichever is applicable. If the conviction is reversed and the
25 holder is acquitted of that offense in a new trial or the
26 charges that he or she committed that offense are dismissed,

1 the State Superintendent of Education shall forthwith
2 terminate the suspension of the license. When the conviction
3 becomes final, the State Superintendent of Education shall
4 forthwith revoke the license.

5 No consideration shall be given to convictions entered
6 prior to the date of the application, where the applicant has
7 completed any sentence imposed for that conviction, including
8 any period of mandatory supervised release.

9 (Source: P.A. 99-58, eff. 7-16-15; 99-667, eff. 7-29-16.)

10 Section 15. The Residential Mortgage License Act of 1987 is
11 amended by changing Section 7-3 as follows:

12 (205 ILCS 635/7-3)

13 Sec. 7-3. Issuance of license. The Director shall not issue
14 a mortgage loan originator license unless the Director makes at
15 a minimum the following findings:

16 (1) The applicant has never had a mortgage loan originator
17 license revoked in any governmental jurisdiction, except that a
18 subsequent formal vacation of such revocation shall not be
19 deemed a revocation.

20 (2) (Blank). ~~The applicant has not been convicted of, or~~
21 ~~pled guilty or nolo contendere to, a felony in a domestic,~~
22 ~~foreign, or military court:--~~

23 ~~(A) during the 7-year period preceding the date of the~~
24 ~~application for licensing and registration; or~~

1 ~~(B) at any time preceding such date of application, if~~
2 ~~such felony involved an act of fraud, dishonesty, or a~~
3 ~~breach of trust, or money laundering;~~
4 ~~provided that any pardon of a conviction shall not be a~~
5 ~~conviction for purposes of this item (2).~~

6 (3) The applicant has demonstrated financial
7 responsibility, character, and general fitness so as to command
8 the confidence of the community and to warrant a determination
9 that the mortgage loan originator will operate honestly,
10 fairly, and efficiently within the purposes of this Act. For
11 purposes of this item (3) a person has shown that he or she is
12 not financially responsible when he or she has shown a
13 disregard for the management of his or her own financial
14 condition. A determination that an individual has not shown
15 financial responsibility may include, but is not limited to,
16 consideration of:

17 (A) current outstanding judgments, except judgments
18 solely as a result of medical expenses;

19 (B) current outstanding tax liens or other government
20 liens and filings, educational loan defaults, and
21 non-payment of child support;

22 (C) foreclosures within the past 3 years;

23 (D) a pattern of seriously delinquent accounts within
24 the past 3 years; and

25 (E) an independent credit report obtained under
26 Section 7-2(c) (2) of the Act; provided that, a credit score

1 may not be the sole basis for determining that an
2 individual has not shown financial responsibility;
3 provided further that, the credit report may be the sole
4 basis for determining that an individual has not shown
5 financial responsibility.

6 No consideration shall be given to convictions entered
7 prior to the date of the application, where the applicant has
8 completed any sentence imposed for that conviction, including
9 any period of mandatory supervised release.

10 (4) The applicant has completed the pre-licensing
11 education requirement described in Section 7-4 of this Act.

12 (5) The applicant has passed a written test that meets the
13 test requirement described in Section 7-5 of this Act.

14 (6) The applicant has met the surety bond requirement as
15 required pursuant to Section 7-12 of this Act.

16 (Source: P.A. 96-112, eff. 7-31-09.)

17 Section 20. The Emergency Medical Services (EMS) Systems
18 Act is amended by changing Section 3.50 as follows:

19 (210 ILCS 50/3.50)

20 Sec. 3.50. Emergency Medical Services personnel licensure
21 levels.

22 (a) "Emergency Medical Technician" or "EMT" means a person
23 who has successfully completed a course in basic life support
24 as approved by the Department, is currently licensed by the

1 Department in accordance with standards prescribed by this Act
2 and rules adopted by the Department pursuant to this Act, and
3 practices within an EMS System. A valid Emergency Medical
4 Technician-Basic (EMT-B) license issued under this Act shall
5 continue to be valid and shall be recognized as an Emergency
6 Medical Technician (EMT) license until the Emergency Medical
7 Technician-Basic (EMT-B) license expires.

8 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
9 means a person who has successfully completed a course in
10 intermediate life support as approved by the Department, is
11 currently licensed by the Department in accordance with
12 standards prescribed by this Act and rules adopted by the
13 Department pursuant to this Act, and practices within an
14 Intermediate or Advanced Life Support EMS System.

15 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"
16 means a person who has successfully completed a course in basic
17 and limited advanced emergency medical care as approved by the
18 Department, is currently licensed by the Department in
19 accordance with standards prescribed by this Act and rules
20 adopted by the Department pursuant to this Act, and practices
21 within an Intermediate or Advanced Life Support EMS System.

22 (c) "Paramedic (EMT-P)" means a person who has successfully
23 completed a course in advanced life support care as approved by
24 the Department, is licensed by the Department in accordance
25 with standards prescribed by this Act and rules adopted by the
26 Department pursuant to this Act, and practices within an

1 Advanced Life Support EMS System. A valid Emergency Medical
2 Technician-Paramedic (EMT-P) license issued under this Act
3 shall continue to be valid and shall be recognized as a
4 Paramedic license until the Emergency Medical
5 Technician-Paramedic (EMT-P) license expires.

6 (c-5) "Emergency Medical Responder" or "EMR (First
7 Responder)" means a person who has successfully completed a
8 course in emergency medical response as approved by the
9 Department and provides emergency medical response services
10 prior to the arrival of an ambulance or specialized emergency
11 medical services vehicle, in accordance with the level of care
12 established by the National EMS Educational Standards
13 Emergency Medical Responder course as modified by the
14 Department. An Emergency Medical Responder who provides
15 services as part of an EMS System response plan shall comply
16 with the applicable sections of the Program Plan, as approved
17 by the Department, of that EMS System. The Department shall
18 have the authority to adopt rules governing the curriculum,
19 practice, and necessary equipment applicable to Emergency
20 Medical Responders.

21 On the effective date of this amendatory Act of the 98th
22 General Assembly, a person who is licensed by the Department as
23 a First Responder and has completed a Department-approved
24 course in first responder defibrillator training based on, or
25 equivalent to, the National EMS Educational Standards or other
26 standards previously recognized by the Department shall be

1 eligible for licensure as an Emergency Medical Responder upon
2 meeting the licensure requirements and submitting an
3 application to the Department. A valid First Responder license
4 issued under this Act shall continue to be valid and shall be
5 recognized as an Emergency Medical Responder license until the
6 First Responder license expires.

7 (c-10) All EMS Systems and licensees shall be fully
8 compliant with the National EMS Education Standards, as
9 modified by the Department in administrative rules, within 24
10 months after the adoption of the administrative rules.

11 (d) The Department shall have the authority and
12 responsibility to:

13 (1) Prescribe education and training requirements,
14 which includes training in the use of epinephrine, for all
15 levels of EMS personnel except for EMRs, based on the
16 National EMS Educational Standards and any modifications
17 to those curricula specified by the Department through
18 rules adopted pursuant to this Act.

19 (2) Prescribe licensure testing requirements for all
20 levels of EMS personnel, which shall include a requirement
21 that all phases of instruction, training, and field
22 experience be completed before taking the appropriate
23 licensure examination. Candidates may elect to take the
24 appropriate National Registry examination in lieu of the
25 Department's examination, but are responsible for making
26 their own arrangements for taking the National Registry

1 examination. In prescribing licensure testing requirements
2 for honorably discharged members of the armed forces of the
3 United States under this paragraph (2), the Department
4 shall ensure that a candidate's military emergency medical
5 training, emergency medical curriculum completed, and
6 clinical experience, as described in paragraph (2.5), are
7 recognized.

8 (2.5) Review applications for EMS personnel licensure
9 from honorably discharged members of the armed forces of
10 the United States with military emergency medical
11 training. Applications shall be filed with the Department
12 within one year after military discharge and shall contain:
13 (i) proof of successful completion of military emergency
14 medical training; (ii) a detailed description of the
15 emergency medical curriculum completed; and (iii) a
16 detailed description of the applicant's clinical
17 experience. The Department may request additional and
18 clarifying information. The Department shall evaluate the
19 application, including the applicant's training and
20 experience, consistent with the standards set forth under
21 subsections (a), (b), (c), and (d) of Section 3.10. If the
22 application clearly demonstrates that the training and
23 experience meets such standards, the Department shall
24 offer the applicant the opportunity to successfully
25 complete a Department-approved EMS personnel examination
26 for the level of license for which the applicant is

1 qualified. Upon passage of an examination, the Department
2 shall issue a license, which shall be subject to all
3 provisions of this Act that are otherwise applicable to the
4 level of EMS personnel license issued.

5 (3) License individuals as an EMR, EMT, EMT-I, A-EMT,
6 or Paramedic who have met the Department's education,
7 training and examination requirements.

8 (4) Prescribe annual continuing education and
9 relicensure requirements for all EMS personnel licensure
10 levels.

11 (5) Relicense individuals as an EMD, EMR, EMT, EMT-I,
12 A-EMT, or Paramedic every 4 years, based on their
13 compliance with continuing education and relicensure
14 requirements as required by the Department pursuant to this
15 Act. Every 4 years, a Paramedic shall have 100 hours of
16 approved continuing education, an EMT-I and an advanced EMT
17 shall have 80 hours of approved continuing education, and
18 an EMT shall have 60 hours of approved continuing
19 education. An Illinois licensed EMR, EMD, EMT, EMT-I,
20 A-EMT, Paramedic, ECRN, or PHRN whose license has been
21 expired for less than 36 months may apply for reinstatement
22 by the Department. Reinstatement shall require that the
23 applicant (i) submit satisfactory proof of completion of
24 continuing medical education and clinical requirements to
25 be prescribed by the Department in an administrative rule;
26 (ii) submit a positive recommendation from an Illinois EMS

1 Medical Director attesting to the applicant's
2 qualifications for retesting; and (iii) pass a Department
3 approved test for the level of EMS personnel license sought
4 to be reinstated.

5 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
6 A-EMT, Paramedic, ECRN, or PHRN who qualifies, based on
7 standards and procedures established by the Department in
8 rules adopted pursuant to this Act.

9 (7) Charge a fee for EMS personnel examination,
10 licensure, and license renewal.

11 (8) Suspend, revoke, or refuse to issue or renew the
12 license of any licensee, after an opportunity for an
13 impartial hearing before a neutral administrative law
14 judge appointed by the Director, where the preponderance of
15 the evidence shows one or more of the following:

16 (A) The licensee has not met continuing education
17 or relicensure requirements as prescribed by the
18 Department;

19 (B) The licensee has failed to maintain
20 proficiency in the level of skills for which he or she
21 is licensed;

22 (C) The licensee, during the provision of medical
23 services, engaged in dishonorable, unethical, or
24 unprofessional conduct of a character likely to
25 deceive, defraud, or harm the public;

26 (D) The licensee has failed to maintain or has

1 violated standards of performance and conduct as
2 prescribed by the Department in rules adopted pursuant
3 to this Act or his or her EMS System's Program Plan;

4 (E) The licensee is physically impaired to the
5 extent that he or she cannot physically perform the
6 skills and functions for which he or she is licensed,
7 as verified by a physician, unless the person is on
8 inactive status pursuant to Department regulations;

9 (F) The licensee is mentally impaired to the extent
10 that he or she cannot exercise the appropriate
11 judgment, skill and safety for performing the
12 functions for which he or she is licensed, as verified
13 by a physician, unless the person is on inactive status
14 pursuant to Department regulations;

15 (G) The licensee has violated this Act or any rule
16 adopted by the Department pursuant to this Act; or

17 (H) The licensee has been convicted (or entered a
18 plea of guilty or nolo-contendere) by a court of
19 competent jurisdiction of a Class X, Class 1, or Class
20 2 felony in this State or an out-of-state equivalent
21 offense.

22 No consideration shall be given to convictions entered
23 prior to the date of the application, where the applicant
24 has completed any sentence imposed for that conviction,
25 including any period of mandatory supervised release.

26 (9) Prescribe education and training requirements in

1 the administration and use of opioid antagonists for all
2 levels of EMS personnel based on the National EMS
3 Educational Standards and any modifications to those
4 curricula specified by the Department through rules
5 adopted pursuant to this Act.

6 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or
7 PHRN who is a member of the Illinois National Guard or an
8 Illinois State Trooper or who exclusively serves as a volunteer
9 for units of local government with a population base of less
10 than 5,000 or as a volunteer for a not-for-profit organization
11 that serves a service area with a population base of less than
12 5,000 may submit an application to the Department for a waiver
13 of the fees described under paragraph (7) of subsection (d) of
14 this Section on a form prescribed by the Department.

15 The education requirements prescribed by the Department
16 under this Section must allow for the suspension of those
17 requirements in the case of a member of the armed services or
18 reserve forces of the United States or a member of the Illinois
19 National Guard who is on active duty pursuant to an executive
20 order of the President of the United States, an act of the
21 Congress of the United States, or an order of the Governor at
22 the time that the member would otherwise be required to fulfill
23 a particular education requirement. Such a person must fulfill
24 the education requirement within 6 months after his or her
25 release from active duty.

26 (e) In the event that any rule of the Department or an EMS

1 Medical Director that requires testing for drug use as a
2 condition of the applicable EMS personnel license conflicts
3 with or duplicates a provision of a collective bargaining
4 agreement that requires testing for drug use, that rule shall
5 not apply to any person covered by the collective bargaining
6 agreement.

7 (Source: P.A. 98-53, eff. 1-1-14; 98-463, eff. 8-16-13; 98-973,
8 eff. 8-15-14; 99-480, eff. 9-9-15.)

9 Section 25. The Title Insurance Act is amended by changing
10 Section 21 as follows:

11 (215 ILCS 155/21) (from Ch. 73, par. 1421)

12 Sec. 21. Regulatory action.

13 (a) The Secretary may refuse to grant, and may suspend or
14 revoke, any certificate of authority, registration, or license
15 issued pursuant to this Act or may impose a fine for a
16 violation of this Act if he determines that the holder of or
17 applicant for such certificate, registration or license:

18 (1) has intentionally made a material misstatement or
19 fraudulent misrepresentation in relation to a matter
20 covered by this Act;

21 (2) has misappropriated or tortiously converted to its
22 own use, or illegally withheld, monies held in a fiduciary
23 capacity;

24 (3) has demonstrated untrustworthiness or incompetency

1 in transacting the business of guaranteeing titles to real
2 estate in such a manner as to endanger the public;

3 (4) has materially misrepresented the terms or
4 conditions of contracts or agreements to which it is a
5 party;

6 (5) has paid any commissions, discounts or any part of
7 its premiums, fees or other charges to any person in
8 violation of any State or federal law or regulations or
9 opinion letters issued under the federal Real Estate
10 Settlement Procedures Act of 1974;

11 (6) has failed to comply with the deposit and reserve
12 requirements of this Act or any other requirements of this
13 Act;

14 (7) has committed fraud or misrepresentation in
15 applying for or procuring any certificate of authority,
16 registration, or license issued pursuant to this Act;

17 (8) has a conviction or plea of guilty or plea of nolo
18 contendere in this State or any other jurisdiction to (i)
19 any felony or (ii) a misdemeanor, an essential element of
20 which is dishonesty or fraud or larceny, embezzlement, or
21 obtaining money, property, or credit by false pretenses or
22 by means of a confidence game;

23 (9) has been disciplined by another state, the District
24 of Columbia, a territory, foreign nation, a governmental
25 agency, or any entity authorized to impose discipline if at
26 least one of the grounds for that discipline is the same as

1 or equivalent to one of the grounds for which a title
2 insurance company, title insurance agent, or independent
3 escrowee may be disciplined under this Act or if at least
4 one of the grounds for that discipline involves dishonesty;
5 a certified copy of the record of the action by the other
6 state or jurisdiction shall be prima facie evidence
7 thereof;

8 (10) has advertising that is inaccurate, misleading,
9 or contrary to the provisions of this Act;

10 (11) has knowingly and willfully made any substantial
11 misrepresentation or untruthful advertising;

12 (12) has made any false promises of a character likely
13 to influence, persuade, or induce;

14 (13) has knowingly failed to account for or remit any
15 money or documents coming into the possession of a title
16 insurance company, title insurance agent, or independent
17 escrowee that belong to others;

18 (14) has engaged in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public;

21 (15) has violated the terms of a disciplinary order
22 issued by the Department;

23 (16) has disregarded or violated any provision of this
24 Act or the published rules adopted by the Department to
25 enforce this Act or has aided or abetted any individual,
26 partnership, registered limited liability partnership,

1 limited liability company, or corporation in disregarding
2 any provision of this Act or the published rules; or

3 (17) has acted as a title insurance company, title
4 insurance agent, or independent escrowee without a
5 certificate of authority, registration, or license after
6 the title insurance company, title insurance agent, or
7 independent escrowee's certificate of authority,
8 registration, or license was inoperative.

9 No consideration shall be given to convictions entered
10 prior to the date of the application, where the applicant
11 has completed any sentence imposed for that conviction,
12 including any period of mandatory supervised release.

13 (b) In every case where a registration or certificate is
14 suspended or revoked, or an application for a registration or
15 certificate or renewal thereof is refused, the Secretary shall
16 serve notice of his action, including a statement of the
17 reasons for his action, as provided by this Act. When a notice
18 of suspension or revocation of a certificate of authority is
19 given to a title insurance company, the Secretary shall also
20 notify all the registered agents of that title insurance
21 company of the Secretary's action.

22 (c) In the case of a refusal to issue or renew a
23 certificate or accept a registration, the applicant or
24 registrant may request in writing, within 30 days after the
25 date of service, a hearing. In the case of a refusal to renew,
26 the expiring registration or certificate shall be deemed to

1 continue in force until 30 days after the service of the notice
2 of refusal to renew, or if a hearing is requested during that
3 period, until a final order is entered pursuant to such
4 hearing.

5 (d) The suspension or revocation of a registration or
6 certificate shall take effect upon service of notice thereof.
7 The holder of any such suspended registration or certificate
8 may request in writing, within 30 days of such service, a
9 hearing.

10 (e) In cases of suspension or revocation of registration
11 pursuant to subsection (a), the Secretary may, in the public
12 interest, issue an order of suspension or revocation which
13 shall take effect upon service of notification thereof. Such
14 order shall become final 60 days from the date of service
15 unless the registrant requests in writing, within such 60 days,
16 a formal hearing thereon. In the event a hearing is requested,
17 the order shall remain temporary until a final order is entered
18 pursuant to such hearing.

19 (f) Hearing shall be held at such time and place as may be
20 designated by the Secretary either in the City of Springfield,
21 the City of Chicago, or in the county in which the principal
22 business office of the affected registrant or certificate
23 holder is located.

24 (g) The suspension or revocation of a registration or
25 certificate or the refusal to issue or renew a registration or
26 certificate shall not in any way limit or terminate the

1 responsibilities of any registrant or certificate holder
2 arising under any policy or contract of title insurance to
3 which it is a party. No new contract or policy of title
4 insurance may be issued, nor may any existing policy or
5 contract to title insurance be renewed by any registrant or
6 certificate holder during any period of suspension or
7 revocation of a registration or certificate.

8 (h) The Secretary may issue a cease and desist order to a
9 title insurance company, agent, or other entity doing business
10 without the required license or registration, when in the
11 opinion of the Secretary, the company, agent, or other entity
12 is violating or is about to violate any provision of this Act
13 or any law or of any rule or condition imposed in writing by
14 the Department.

15 The Secretary may issue the cease and desist order without
16 notice and before a hearing.

17 The Secretary shall have the authority to prescribe rules
18 for the administration of this Section.

19 If it is determined that the Secretary had the authority to
20 issue the cease and desist order, he may issue such orders as
21 may be reasonably necessary to correct, eliminate or remedy
22 such conduct.

23 Any person or company subject to an order pursuant to this
24 Section is entitled to judicial review of the order in
25 accordance with the provisions of the Administrative Review
26 Law.

1 The powers vested in the Secretary by this Section are
2 additional to any and all other powers and remedies vested in
3 the Secretary by law, and nothing in this Section shall be
4 construed as requiring that the Secretary shall employ the
5 powers conferred in this Section instead of or as a condition
6 precedent to the exercise of any other power or remedy vested
7 in the Secretary.

8 (Source: P.A. 98-398, eff. 1-1-14.)

9 Section 30. The Acupuncture Practice Act is amended by
10 changing Section 110 as follows:

11 (225 ILCS 2/110)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 110. Grounds for disciplinary action.

14 (a) The Department may refuse to issue or to renew, place
15 on probation, suspend, revoke or take other disciplinary or
16 non-disciplinary action as deemed appropriate including the
17 imposition of fines not to exceed \$10,000 for each violation,
18 as the Department may deem proper, with regard to a license for
19 any one or combination of the following causes:

20 (1) Violations of the Act or its rules.

21 (2) Conviction or plea of guilty or nolo contendere of
22 any crime under the laws of the United States or any state
23 or territory thereof that is (i) a felony or (ii) a
24 misdemeanor, an essential element of which is dishonesty or

1 that is directly related to the practice of the profession.

2 (3) Making any misrepresentation for the purpose of
3 obtaining a license.

4 (4) Aiding or assisting another person in violating any
5 provision of this Act or its rules.

6 (5) Failing to provide information within 60 days in
7 response to a written request made by the Department which
8 has been sent by certified or registered mail to the
9 licensee's last known address.

10 (6) Discipline by another U.S. jurisdiction or foreign
11 nation, if at least one of the grounds for the discipline
12 is the same or substantially equivalent to one set forth in
13 this Section.

14 (7) Solicitation of professional services by means
15 other than permitted under this Act.

16 (8) Failure to provide a patient with a copy of his or
17 her record upon the written request of the patient.

18 (9) Gross negligence in the practice of acupuncture.

19 (10) Habitual or excessive use or addiction to alcohol,
20 narcotics, stimulants, or any other chemical agent or drug
21 that results in an acupuncturist's inability to practice
22 with reasonable judgment, skill, or safety.

23 (11) A finding that licensure has been applied for or
24 obtained by fraudulent means.

25 (12) A pattern of practice or other behavior that
26 demonstrates incapacity or incompetence to practice under

1 this Act.

2 (13) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 under the Abused and Neglected Child Reporting Act and upon
5 proof by clear and convincing evidence that the licensee
6 has caused a child to be an abused child or a neglected
7 child as defined in the Abused and Neglected Child
8 Reporting Act.

9 (14) Wilfully failing to report an instance of
10 suspected child abuse or neglect as required by the Abused
11 and Neglected Child Reporting Act.

12 (15) The use of any words, abbreviations, figures or
13 letters (such as Acupuncturist, Licensed Acupuncturist,
14 Certified Acupuncturist, C.A., Act., Lic. Act., or Lic.
15 Ac.) with the intention of indicating practice as a
16 licensed acupuncturist without a valid license as an
17 acupuncturist issued under this Act.

18 (16) Using claims of superior quality of care to entice
19 the public or advertising fee comparisons of available
20 services with those of other persons providing acupuncture
21 services.

22 (17) Advertising of professional services that the
23 offeror of the services is not licensed to render.
24 Advertising of professional services that contains false,
25 fraudulent, deceptive, or misleading material or
26 guarantees of success, statements that play upon the vanity

1 or fears of the public, or statements that promote or
2 produce unfair competition.

3 (18) Having treated ailments of human beings other than
4 by the practice of acupuncture as defined in this Act, or
5 having treated ailments of human beings as a licensed
6 acupuncturist pursuant to a referral by written order that
7 provides for management of the patient by a physician or
8 dentist without having notified the physician or dentist
9 who established the diagnosis that the patient is receiving
10 acupuncture treatment.

11 (19) Unethical, unauthorized, or unprofessional
12 conduct as defined by rule.

13 (20) Physical illness, mental illness, or other
14 impairment that results in the inability to practice the
15 profession with reasonable judgment, skill, and safety,
16 including without limitation deterioration through the
17 aging process, mental illness, or disability.

18 (21) Violation of the Health Care Worker Self-Referral
19 Act.

20 No consideration shall be given to convictions entered
21 prior to the date of the application, where the applicant
22 has completed any sentence imposed for that conviction,
23 including any period of mandatory supervised release.

24 The entry of an order by a circuit court establishing that
25 any person holding a license under this Act is subject to
26 involuntary admission or judicial admission as provided for in

1 the Mental Health and Developmental Disabilities Code operates
2 as an automatic suspension of that license. That person may
3 have his or her license restored only upon the determination by
4 a circuit court that the patient is no longer subject to
5 involuntary admission or judicial admission and the issuance of
6 an order so finding and discharging the patient and upon the
7 Board's recommendation to the Department that the license be
8 restored. Where the circumstances so indicate, the Board may
9 recommend to the Department that it require an examination
10 prior to restoring a suspended license.

11 The Department may refuse to issue or renew the license of
12 any person who fails to (i) file a return or to pay the tax,
13 penalty or interest shown in a filed return or (ii) pay any
14 final assessment of the tax, penalty, or interest as required
15 by any tax Act administered by the Illinois Department of
16 Revenue, until the time that the requirements of that tax Act
17 are satisfied.

18 In enforcing this Section, the Department or Board upon a
19 showing of a possible violation may compel an individual
20 licensed to practice under this Act, or who has applied for
21 licensure under this Act, to submit to a mental or physical
22 examination, or both, as required by and at the expense of the
23 Department. The Department or Board may order the examining
24 physician to present testimony concerning the mental or
25 physical examination of the licensee or applicant. No
26 information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the
2 licensee or applicant and the examining physician. The
3 examining physicians shall be specifically designated by the
4 Board or Department. The individual to be examined may have, at
5 his or her own expense, another physician of his or her choice
6 present during all aspects of this examination. Failure of an
7 individual to submit to a mental or physical examination, when
8 directed, shall be grounds for suspension of his or her license
9 until the individual submits to the examination if the
10 Department finds, after notice and hearing, that the refusal to
11 submit to the examination was without reasonable cause.

12 If the Department or Board finds an individual unable to
13 practice because of the reasons set forth in this Section, the
14 Department or Board may require that individual to submit to
15 care, counseling, or treatment by physicians approved or
16 designated by the Department or Board, as a condition, term, or
17 restriction for continued, reinstated, or renewed licensure to
18 practice; or, in lieu of care, counseling, or treatment, the
19 Department may file, or the Board may recommend to the
20 Department to file, a complaint to immediately suspend, revoke,
21 or otherwise discipline the license of the individual. An
22 individual whose license was granted, continued, reinstated,
23 renewed, disciplined or supervised subject to such terms,
24 conditions, or restrictions, and who fails to comply with such
25 terms, conditions, or restrictions, shall be referred to the
26 Secretary for a determination as to whether the individual

1 shall have his or her license suspended immediately, pending a
2 hearing by the Department.

3 In instances in which the Secretary immediately suspends a
4 person's license under this Section, a hearing on that person's
5 license must be convened by the Department within 30 days after
6 the suspension and completed without appreciable delay. The
7 Department and Board shall have the authority to review the
8 subject individual's record of treatment and counseling
9 regarding the impairment to the extent permitted by applicable
10 federal statutes and regulations safeguarding the
11 confidentiality of medical records.

12 An individual licensed under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate to
14 the Department or Board that he or she can resume practice in
15 compliance with acceptable and prevailing standards under the
16 provisions of his or her license.

17 (Source: P.A. 95-450, eff. 8-27-07.)

18 Section 35. The Illinois Athletic Trainers Practice Act is
19 amended by changing Section 16 as follows:

20 (225 ILCS 5/16) (from Ch. 111, par. 7616)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 16. Grounds for discipline.

23 (1) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary action as the Department may deem proper,
2 including fines not to exceed \$10,000 for each violation, with
3 regard to any licensee for any one or combination of the
4 following:

5 (A) Material misstatement in furnishing information to
6 the Department;

7 (B) Violations of this Act, or of the rules or
8 regulations promulgated hereunder;

9 (C) Conviction of or plea of guilty to any crime under
10 the Criminal Code of 2012 or the laws of any jurisdiction
11 of the United States that is (i) a felony, (ii) a
12 misdemeanor, an essential element of which is dishonesty,
13 or (iii) of any crime that is directly related to the
14 practice of the profession;

15 (D) Fraud or any misrepresentation in applying for or
16 procuring a license under this Act, or in connection with
17 applying for renewal of a license under this Act;

18 (E) Professional incompetence or gross negligence;

19 (F) Malpractice;

20 (G) Aiding or assisting another person, firm,
21 partnership, or corporation in violating any provision of
22 this Act or rules;

23 (H) Failing, within 60 days, to provide information in
24 response to a written request made by the Department;

25 (I) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public;

2 (J) Habitual or excessive use or abuse of drugs defined
3 in law as controlled substances, alcohol, or any other
4 substance that results in the inability to practice with
5 reasonable judgment, skill, or safety;

6 (K) Discipline by another state, unit of government,
7 government agency, the District of Columbia, territory, or
8 foreign nation, if at least one of the grounds for the
9 discipline is the same or substantially equivalent to those
10 set forth herein;

11 (L) Directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate, or other form of compensation
14 for any professional services not actually or personally
15 rendered. Nothing in this subparagraph (L) affects any bona
16 fide independent contractor or employment arrangements
17 among health care professionals, health facilities, health
18 care providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the licensee's practice under this Act.
23 Nothing in this subparagraph (L) shall be construed to
24 require an employment arrangement to receive professional
25 fees for services rendered;

26 (M) A finding by the Department that the licensee after

1 having his or her license disciplined has violated the
2 terms of probation;

3 (N) Abandonment of an athlete;

4 (O) Willfully making or filing false records or reports
5 in his or her practice, including but not limited to false
6 records filed with State agencies or departments;

7 (P) Willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act;

10 (Q) Physical illness, including but not limited to
11 deterioration through the aging process, or loss of motor
12 skill that results in the inability to practice the
13 profession with reasonable judgment, skill, or safety;

14 (R) Solicitation of professional services other than
15 by permitted institutional policy;

16 (S) The use of any words, abbreviations, figures or
17 letters with the intention of indicating practice as an
18 athletic trainer without a valid license as an athletic
19 trainer under this Act;

20 (T) The evaluation or treatment of ailments of human
21 beings other than by the practice of athletic training as
22 defined in this Act or the treatment of injuries of
23 athletes by a licensed athletic trainer except by the
24 referral of a physician, podiatric physician, or dentist;

25 (U) Willfully violating or knowingly assisting in the
26 violation of any law of this State relating to the use of

1 habit-forming drugs;

2 (V) Willfully violating or knowingly assisting in the
3 violation of any law of this State relating to the practice
4 of abortion;

5 (W) Continued practice by a person knowingly having an
6 infectious communicable or contagious disease;

7 (X) Being named as a perpetrator in an indicated report
8 by the Department of Children and Family Services pursuant
9 to the Abused and Neglected Child Reporting Act and upon
10 proof by clear and convincing evidence that the licensee
11 has caused a child to be an abused child or neglected child
12 as defined in the Abused and Neglected Child Reporting Act;

13 (Y) (Blank);

14 (Z) Failure to fulfill continuing education
15 requirements;

16 (AA) Allowing one's license under this Act to be used
17 by an unlicensed person in violation of this Act;

18 (BB) Practicing under a false or, except as provided by
19 law, assumed name;

20 (CC) Promotion of the sale of drugs, devices,
21 appliances, or goods provided in any manner to exploit the
22 client for the financial gain of the licensee;

23 (DD) Gross, willful, or continued overcharging for
24 professional services;

25 (EE) Mental illness or disability that results in the
26 inability to practice under this Act with reasonable

1 judgment, skill, or safety; or

2 (FF) Cheating on or attempting to subvert the licensing
3 examination administered under this Act.

4 No consideration shall be given to convictions entered
5 prior to the date of the application, where the applicant has
6 completed any sentence imposed for that conviction, including
7 any period of mandatory supervised release.

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the fine
10 or in accordance with the terms set forth in the order imposing
11 the fine.

12 (2) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code operates as an automatic suspension. Such suspension will
16 end only upon a finding by a court that the licensee is no
17 longer subject to involuntary admission or judicial admission
18 and issuance of an order so finding and discharging the
19 licensee.

20 (3) The Department may refuse to issue or may suspend
21 without hearing, as provided for in the Code of Civil
22 Procedure, the license of any person who fails to file a
23 return, to pay the tax, penalty, or interest shown in a filed
24 return, or to pay any final assessment of tax, penalty, or
25 interest as required by any tax Act administered by the
26 Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied in accordance
2 with subsection (a) of Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code of
4 Illinois.

5 (4) In enforcing this Section, the Department, upon a
6 showing of a possible violation, may compel any individual who
7 is licensed under this Act or any individual who has applied
8 for licensure to submit to a mental or physical examination or
9 evaluation, or both, which may include a substance abuse or
10 sexual offender evaluation, at the expense of the Department.
11 The Department shall specifically designate the examining
12 physician licensed to practice medicine in all of its branches
13 or, if applicable, the multidisciplinary team involved in
14 providing the mental or physical examination and evaluation.
15 The multidisciplinary team shall be led by a physician licensed
16 to practice medicine in all of its branches and may consist of
17 one or more or a combination of physicians licensed to practice
18 medicine in all of its branches, licensed chiropractic
19 physicians, licensed clinical psychologists, licensed clinical
20 social workers, licensed clinical professional counselors, and
21 other professional and administrative staff. Any examining
22 physician or member of the multidisciplinary team may require
23 any person ordered to submit to an examination and evaluation
24 pursuant to this Section to submit to any additional
25 supplemental testing deemed necessary to complete any
26 examination or evaluation process, including, but not limited

1 to, blood testing, urinalysis, psychological testing, or
2 neuropsychological testing.

3 The Department may order the examining physician or any
4 member of the multidisciplinary team to provide to the
5 Department any and all records, including business records,
6 that relate to the examination and evaluation, including any
7 supplemental testing performed. The Department may order the
8 examining physician or any member of the multidisciplinary team
9 to present testimony concerning this examination and
10 evaluation of the licensee or applicant, including testimony
11 concerning any supplemental testing or documents relating to
12 the examination and evaluation. No information, report,
13 record, or other documents in any way related to the
14 examination and evaluation shall be excluded by reason of any
15 common law or statutory privilege relating to communication
16 between the licensee or applicant and the examining physician
17 or any member of the multidisciplinary team. No authorization
18 is necessary from the licensee or applicant ordered to undergo
19 an evaluation and examination for the examining physician or
20 any member of the multidisciplinary team to provide
21 information, reports, records, or other documents or to provide
22 any testimony regarding the examination and evaluation. The
23 individual to be examined may have, at his or her own expense,
24 another physician of his or her choice present during all
25 aspects of the examination.

26 Failure of any individual to submit to a mental or physical

1 examination or evaluation, or both, when directed, shall result
2 in an automatic suspension without hearing, until such time as
3 the individual submits to the examination. If the Department
4 finds a licensee unable to practice because of the reasons set
5 forth in this Section, the Department shall require the
6 licensee to submit to care, counseling, or treatment by
7 physicians approved or designated by the Department as a
8 condition for continued, reinstated, or renewed licensure.

9 When the Secretary immediately suspends a license under
10 this Section, a hearing upon such person's license must be
11 convened by the Department within 15 days after the suspension
12 and completed without appreciable delay. The Department shall
13 have the authority to review the licensee's record of treatment
14 and counseling regarding the impairment to the extent permitted
15 by applicable federal statutes and regulations safeguarding
16 the confidentiality of medical records.

17 Individuals licensed under this Act who are affected under
18 this Section shall be afforded an opportunity to demonstrate to
19 the Department that they can resume practice in compliance with
20 acceptable and prevailing standards under the provisions of
21 their license.

22 (5) The Department shall deny a license or renewal
23 authorized by this Act to a person who has defaulted on an
24 educational loan or scholarship provided or guaranteed by the
25 Illinois Student Assistance Commission or any governmental
26 agency of this State in accordance with paragraph (5) of

1 subsection (a) of Section 2105-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code of
3 Illinois.

4 (6) In cases where the Department of Healthcare and Family
5 Services has previously determined a licensee or a potential
6 licensee is more than 30 days delinquent in the payment of
7 child support and has subsequently certified the delinquency to
8 the Department, the Department may refuse to issue or renew or
9 may revoke or suspend that person's license or may take other
10 disciplinary action against that person based solely upon the
11 certification of delinquency made by the Department of
12 Healthcare and Family Services in accordance with paragraph (5)
13 of subsection (a) of Section 2105-15 of the Department of
14 Professional Regulation Law of the Civil Administrative Code of
15 Illinois.

16 (Source: P.A. 98-214, eff. 8-9-13; 99-469, eff. 8-26-15.)

17 Section 40. The Clinical Psychologist Licensing Act is
18 amended by changing Section 15 as follows:

19 (225 ILCS 15/15) (from Ch. 111, par. 5365)

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

21 Sec. 15. Disciplinary action; grounds. The Department may
22 refuse to issue, refuse to renew, suspend, or revoke any
23 license, or may place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action deemed appropriate by

1 the Department, including the imposition of fines not to exceed
2 \$10,000 for each violation, with regard to any license issued
3 under the provisions of this Act for any one or a combination
4 of the following reasons:

5 (1) Conviction of, or entry of a plea of guilty or nolo
6 contendere to, any crime that is a felony under the laws of
7 the United States or any state or territory thereof or that
8 is a misdemeanor of which an essential element is
9 dishonesty, or any crime that is directly related to the
10 practice of the profession.

11 (2) Gross negligence in the rendering of clinical
12 psychological services.

13 (3) Using fraud or making any misrepresentation in
14 applying for a license or in passing the examination
15 provided for in this Act.

16 (4) Aiding or abetting or conspiring to aid or abet a
17 person, not a clinical psychologist licensed under this
18 Act, in representing himself or herself as so licensed or
19 in applying for a license under this Act.

20 (5) Violation of any provision of this Act or the rules
21 promulgated thereunder.

22 (6) Professional connection or association with any
23 person, firm, association, partnership or corporation
24 holding himself, herself, themselves, or itself out in any
25 manner contrary to this Act.

26 (7) Unethical, unauthorized or unprofessional conduct

1 as defined by rule. In establishing those rules, the
2 Department shall consider, though is not bound by, the
3 ethical standards for psychologists promulgated by
4 recognized national psychology associations.

5 (8) Aiding or assisting another person in violating any
6 provisions of this Act or the rules promulgated thereunder.

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

9 (10) Habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants, or any other chemical agent or drug
11 that results in a clinical psychologist's inability to
12 practice with reasonable judgment, skill or safety.

13 (11) Discipline by another state, territory, the
14 District of Columbia or foreign country, if at least one of
15 the grounds for the discipline is the same or substantially
16 equivalent to those set forth herein.

17 (12) Directly or indirectly giving or receiving from
18 any person, firm, corporation, association or partnership
19 any fee, commission, rebate, or other form of compensation
20 for any professional service not actually or personally
21 rendered. Nothing in this paragraph (12) affects any bona
22 fide independent contractor or employment arrangements
23 among health care professionals, health facilities, health
24 care providers, or other entities, except as otherwise
25 prohibited by law. Any employment arrangements may include
26 provisions for compensation, health insurance, pension, or

1 other employment benefits for the provision of services
2 within the scope of the licensee's practice under this Act.
3 Nothing in this paragraph (12) shall be construed to
4 require an employment arrangement to receive professional
5 fees for services rendered.

6 (13) A finding that the licensee, after having his or
7 her license placed on probationary status has violated the
8 terms of probation.

9 (14) Willfully making or filing false records or
10 reports, including but not limited to, false records or
11 reports filed with State agencies or departments.

12 (15) Physical illness, including but not limited to,
13 deterioration through the aging process, mental illness or
14 disability that results in the inability to practice the
15 profession with reasonable judgment, skill and safety.

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

19 (17) Being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 pursuant to the Abused and Neglected Child Reporting Act,
22 and upon proof by clear and convincing evidence that the
23 licensee has caused a child to be an abused child or
24 neglected child as defined in the Abused and Neglected
25 Child Reporting Act.

26 (18) Violation of the Health Care Worker Self-Referral

1 Act.

2 (19) Making a material misstatement in furnishing
3 information to the Department, any other State or federal
4 agency, or any other entity.

5 (20) Failing to report to the Department any adverse
6 judgment, settlement, or award arising from a liability
7 claim related to an act or conduct similar to an act or
8 conduct that would constitute grounds for action as set
9 forth in this Section.

10 (21) Failing to report to the Department any adverse
11 final action taken against a licensee or applicant by
12 another licensing jurisdiction, including any other state
13 or territory of the United States or any foreign state or
14 country, or any peer review body, health care institution,
15 professional society or association related to the
16 profession, governmental agency, law enforcement agency,
17 or court for an act or conduct similar to an act or conduct
18 that would constitute grounds for disciplinary action as
19 set forth in this Section.

20 (22) Prescribing, selling, administering,
21 distributing, giving, or self-administering (A) any drug
22 classified as a controlled substance (designated product)
23 for other than medically accepted therapeutic purposes or
24 (B) any narcotic drug.

25 (23) Violating state or federal laws or regulations
26 relating to controlled substances, legend drugs, or

1 ephedra as defined in the Ephedra Prohibition Act.

2 (24) Exceeding the terms of a collaborative agreement
3 or the prescriptive authority delegated to a licensee by
4 his or her collaborating physician or established under a
5 written collaborative agreement.

6 No consideration shall be given to convictions entered
7 prior to the date of the application, where the applicant has
8 completed any sentence imposed for that conviction, including
9 any period of mandatory supervised release.

10 The entry of an order by any circuit court establishing
11 that any person holding a license under this Act is subject to
12 involuntary admission or judicial admission as provided for in
13 the Mental Health and Developmental Disabilities Code,
14 operates as an automatic suspension of that license. That
15 person may have his or her license restored only upon the
16 determination by a circuit court that the patient is no longer
17 subject to involuntary admission or judicial admission and the
18 issuance of an order so finding and discharging the patient and
19 upon the Board's recommendation to the Department that the
20 license be restored. Where the circumstances so indicate, the
21 Board may recommend to the Department that it require an
22 examination prior to restoring any license so automatically
23 suspended.

24 The Department shall refuse to issue or suspend the license
25 of any person who fails to file a return, or to pay the tax,
26 penalty or interest shown in a filed return, or to pay any

1 final assessment of the tax penalty or interest, as required by
2 any tax Act administered by the Illinois Department of Revenue,
3 until such time as the requirements of any such tax Act are
4 satisfied.

5 In enforcing this Section, the Department or Board upon a
6 showing of a possible violation may compel any person licensed
7 to practice under this Act, or who has applied for licensure or
8 certification pursuant to this Act, to submit to a mental or
9 physical examination, or both, as required by and at the
10 expense of the Department. The examining physicians or clinical
11 psychologists shall be those specifically designated by the
12 Department. The Board or the Department may order the examining
13 physician or clinical psychologist to present testimony
14 concerning this mental or physical examination of the licensee
15 or applicant. No information shall be excluded by reason of any
16 common law or statutory privilege relating to communications
17 between the licensee or applicant and the examining physician
18 or clinical psychologist. The person to be examined may have,
19 at his or her own expense, another physician or clinical
20 psychologist of his or her choice present during all aspects of
21 the examination. Failure of any person to submit to a mental or
22 physical examination, when directed, shall be grounds for
23 suspension of a license until the person submits to the
24 examination if the Department or Board finds, after notice and
25 hearing, that the refusal to submit to the examination was
26 without reasonable cause.

1 If the Department or Board finds a person unable to
2 practice because of the reasons set forth in this Section, the
3 Department or Board may require that person to submit to care,
4 counseling or treatment by physicians or clinical
5 psychologists approved or designated by the Department, as a
6 condition, term, or restriction for continued, reinstated, or
7 renewed licensure to practice; or, in lieu of care, counseling
8 or treatment, the Board may recommend to the Department to file
9 or the Department may file a complaint to immediately suspend,
10 revoke or otherwise discipline the license of the person. Any
11 person whose license was granted, continued, reinstated,
12 renewed, disciplined or supervised subject to such terms,
13 conditions or restrictions, and who fails to comply with such
14 terms, conditions or restrictions, shall be referred to the
15 Secretary for a determination as to whether the person shall
16 have his or her license suspended immediately, pending a
17 hearing by the Board.

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

1 A person licensed under this Act and affected under this
2 Section shall be afforded an opportunity to demonstrate to the
3 Board that he or she can resume practice in compliance with
4 acceptable and prevailing standards under the provisions of his
5 or her license.

6 (Source: P.A. 98-668, eff. 6-25-14; 99-572, eff. 7-15-16.)

7 Section 45. The Clinical Social Work and Social Work
8 Practice Act is amended by changing Section 19 as follows:

9 (225 ILCS 20/19) (from Ch. 111, par. 6369)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 19. Grounds for disciplinary action.

12 (1) The Department may refuse to issue, refuse to renew,
13 suspend, or revoke any license, or may place on probation,
14 censure, reprimand, or take other disciplinary or
15 non-disciplinary action deemed appropriate by the Department,
16 including the imposition of fines not to exceed \$10,000 for
17 each violation, with regard to any license issued under the
18 provisions of this Act for any one or a combination of the
19 following reasons:

20 (a) material misstatements of fact in furnishing
21 information to the Department or to any other State agency
22 or in furnishing information to any insurance company with
23 respect to a claim on behalf of a licensee or a patient;

24 (b) violations or negligent or intentional disregard

1 of this Act, or any of the rules promulgated hereunder;

2 (c) conviction of or entry of a plea of guilty or nolo
3 contendere to any crime that is a felony under the laws of
4 the United States or any state or territory thereof or that
5 is a misdemeanor, of which an essential element is
6 dishonesty, or any crime that is directly related to the
7 practice of the clinical social work or social work
8 professions;

9 (d) making any misrepresentation for the purpose of
10 obtaining licenses, or violating any provision of this Act
11 or any of the rules promulgated hereunder;

12 (e) professional incompetence;

13 (f) malpractice;

14 (g) aiding or assisting another person in violating any
15 provision of this Act or any rules;

16 (h) failing to provide information within 30 days in
17 response to a written request made by the Department;

18 (i) engaging in dishonorable, unethical or
19 unprofessional conduct of a character likely to deceive,
20 defraud or harm the public as defined by the rules of the
21 Department, or violating the rules of professional conduct
22 adopted by the Board and published by the Department;

23 (j) habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug
25 that results in a clinical social worker's or social
26 worker's inability to practice with reasonable judgment,

1 skill, or safety;

2 (k) discipline by another jurisdiction, if at least one
3 of the grounds for the discipline is the same or
4 substantially equivalent to those set forth in this
5 Section;

6 (l) directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate or other form of compensation
9 for any professional service not actually rendered.
10 Nothing in this paragraph (l) affects any bona fide
11 independent contractor or employment arrangements among
12 health care professionals, health facilities, health care
13 providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this Act.
18 Nothing in this paragraph (l) shall be construed to require
19 an employment arrangement to receive professional fees for
20 services rendered;

21 (m) a finding by the Board that the licensee, after
22 having the license placed on probationary status, has
23 violated the terms of probation;

24 (n) abandonment, without cause, of a client;

25 (o) wilfully filing false reports relating to a
26 licensee's practice, including but not limited to false

1 records filed with Federal or State agencies or
2 departments;

3 (p) wilfully failing to report an instance of suspected
4 child abuse or neglect as required by the Abused and
5 Neglected Child Reporting Act;

6 (q) being named as a perpetrator in an indicated report
7 by the Department of Children and Family Services under the
8 Abused and Neglected Child Reporting Act, and upon proof by
9 clear and convincing evidence that the licensee has caused
10 a child to be or failed to take reasonable steps to prevent
11 a child from being an abused child or neglected child as
12 defined in the Abused and Neglected Child Reporting Act;

13 (r) physical illness, mental illness, or any other
14 impairment or disability, including, but not limited to,
15 deterioration through the aging process, or loss of motor
16 skills that results in the inability to practice the
17 profession with reasonable judgment, skill or safety;

18 (s) solicitation of professional services by using
19 false or misleading advertising; or

20 (t) violation of the Health Care Worker Self-Referral
21 Act.

22 No consideration shall be given to convictions entered
23 prior to the date of the application, where the applicant has
24 completed any sentence imposed for that conviction, including
25 any period of mandatory supervised release.

26 (2) (Blank).

1 (3) The determination by a court that a licensee is subject
2 to involuntary admission or judicial admission as provided in
3 the Mental Health and Developmental Disabilities Code, will
4 result in an automatic suspension of his license. Such
5 suspension will end upon a finding by a court that the licensee
6 is no longer subject to involuntary admission or judicial
7 admission and issues an order so finding and discharging the
8 patient, and upon the recommendation of the Board to the
9 Secretary that the licensee be allowed to resume professional
10 practice.

11 (4) The Department may refuse to issue or renew or may
12 suspend the license of a person who (i) fails to file a return,
13 pay the tax, penalty, or interest shown in a filed return, or
14 pay any final assessment of tax, penalty, or interest, as
15 required by any tax Act administered by the Department of
16 Revenue, until the requirements of the tax Act are satisfied or
17 (ii) has failed to pay any court-ordered child support as
18 determined by a court order or by referral from the Department
19 of Healthcare and Family Services.

20 (5) In enforcing this Section, the Board upon a showing of
21 a possible violation may compel a person licensed to practice
22 under this Act, or who has applied for licensure or
23 certification pursuant to this Act, to submit to a mental or
24 physical examination, or both, as required by and at the
25 expense of the Department. The examining physicians shall be
26 those specifically designated by the Board. The Board or the

1 Department may order the examining physician to present
2 testimony concerning this mental or physical examination of the
3 licensee or applicant. No information shall be excluded by
4 reason of any common law or statutory privilege relating to
5 communications between the licensee or applicant and the
6 examining physician. The person to be examined may have, at his
7 or her own expense, another physician of his or her choice
8 present during all aspects of the examination. Failure of any
9 person to submit to a mental or physical examination, when
10 directed, shall be grounds for suspension of a license until
11 the person submits to the examination if the Board finds, after
12 notice and hearing, that the refusal to submit to the
13 examination was without reasonable cause.

14 If the Board finds a person unable to practice because of
15 the reasons set forth in this Section, the Board may require
16 that person to submit to care, counseling, or treatment by
17 physicians approved or designated by the Board, as a condition,
18 term, or restriction for continued, reinstated, or renewed
19 licensure to practice; or, in lieu of care, counseling or
20 treatment, the Board may recommend to the Department to file a
21 complaint to immediately suspend, revoke or otherwise
22 discipline the license of the person. Any person whose license
23 was granted, continued, reinstated, renewed, disciplined or
24 supervised subject to such terms, conditions or restrictions,
25 and who fails to comply with such terms, conditions, or
26 restrictions, shall be referred to the Secretary for a

1 determination as to whether the person shall have his or her
2 license suspended immediately, pending a hearing by the Board.

3 In instances in which the Secretary immediately suspends a
4 person's license under this Section, a hearing on that person's
5 license must be convened by the Board within 30 days after the
6 suspension and completed without appreciable delay. The Board
7 shall have the authority to review the subject person's record
8 of treatment and counseling regarding the impairment, to the
9 extent permitted by applicable federal statutes and
10 regulations safeguarding the confidentiality of medical
11 records.

12 A person licensed under this Act and affected under this
13 Section shall be afforded an opportunity to demonstrate to the
14 Board that he or she can resume practice in compliance with
15 acceptable and prevailing standards under the provisions of his
16 or her license.

17 (Source: P.A. 98-756, eff. 7-16-14.)

18 Section 50. The Illinois Dental Practice Act is amended by
19 changing Sections 23 and 24 as follows:

20 (225 ILCS 25/23) (from Ch. 111, par. 2323)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 23. Refusal, revocation or suspension of dental
23 licenses. The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand or take other

1 disciplinary or non-disciplinary action as the Department may
2 deem proper, including imposing fines not to exceed \$10,000 per
3 violation, with regard to any license for any one or any
4 combination of the following causes:

5 1. Fraud or misrepresentation in applying for or
6 procuring a license under this Act, or in connection with
7 applying for renewal of a license under this Act.

8 2. Inability to practice with reasonable judgment,
9 skill, or safety as a result of habitual or excessive use
10 or addiction to alcohol, narcotics, stimulants, or any
11 other chemical agent or drug.

12 3. Willful or repeated violations of the rules of the
13 Department of Public Health or Department of Nuclear
14 Safety.

15 4. Acceptance of a fee for service as a witness,
16 without the knowledge of the court, in addition to the fee
17 allowed by the court.

18 5. Division of fees or agreeing to split or divide the
19 fees received for dental services with any person for
20 bringing or referring a patient, except in regard to
21 referral services as provided for under Section 45, or
22 assisting in the care or treatment of a patient, without
23 the knowledge of the patient or his or her legal
24 representative. Nothing in this item 5 affects any bona
25 fide independent contractor or employment arrangements
26 among health care professionals, health facilities, health

1 care providers, or other entities, except as otherwise
2 prohibited by law. Any employment arrangements may include
3 provisions for compensation, health insurance, pension, or
4 other employment benefits for the provision of services
5 within the scope of the licensee's practice under this Act.
6 Nothing in this item 5 shall be construed to require an
7 employment arrangement to receive professional fees for
8 services rendered.

9 6. Employing, procuring, inducing, aiding or abetting
10 a person not licensed or registered as a dentist or dental
11 hygienist to engage in the practice of dentistry or dental
12 hygiene. The person practiced upon is not an accomplice,
13 employer, procurer, inducer, aider, or abetter within the
14 meaning of this Act.

15 7. Making any misrepresentations or false promises,
16 directly or indirectly, to influence, persuade or induce
17 dental patronage.

18 8. Professional connection or association with or
19 lending his or her name to another for the illegal practice
20 of dentistry by another, or professional connection or
21 association with any person, firm or corporation holding
22 himself, herself, themselves, or itself out in any manner
23 contrary to this Act.

24 9. Obtaining or seeking to obtain practice, money, or
25 any other things of value by false or fraudulent
26 representations, but not limited to, engaging in such

1 fraudulent practice to defraud the medical assistance
2 program of the Department of Healthcare and Family Services
3 (formerly Department of Public Aid) under the Illinois
4 Public Aid Code.

5 10. Practicing under a false or, except as provided by
6 law, an assumed name.

7 11. Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public.

10 12. Conviction by plea of guilty or nolo contendere,
11 finding of guilt, jury verdict, or entry of judgment or by
12 sentencing for any crime, including, but not limited to,
13 convictions, preceding sentences of supervision,
14 conditional discharge, or first offender probation, under
15 the laws of any jurisdiction of the United States that (i)
16 is a felony under the laws of this State or (ii) is a
17 misdemeanor, an essential element of which is dishonesty,
18 or that is directly related to the practice of dentistry.

19 13. Permitting a dental hygienist, dental assistant or
20 other person under his or her supervision to perform any
21 operation not authorized by this Act.

22 14. Permitting more than 4 dental hygienists to be
23 employed under his or her supervision at any one time.

24 15. A violation of any provision of this Act or any
25 rules promulgated under this Act.

26 16. Taking impressions for or using the services of any

1 person, firm or corporation violating this Act.

2 17. Violating any provision of Section 45 relating to
3 advertising.

4 18. Discipline by another U.S. jurisdiction or foreign
5 nation, if at least one of the grounds for the discipline
6 is the same or substantially equivalent to those set forth
7 within this Act.

8 19. Willfully failing to report an instance of
9 suspected child abuse or neglect as required by the Abused
10 and Neglected Child Reporting Act.

11 20. Gross negligence in practice under this Act.

12 21. The use or prescription for use of narcotics or
13 controlled substances or designated products as listed in
14 the Illinois Controlled Substances Act, in any way other
15 than for therapeutic purposes.

16 22. Willfully making or filing false records or reports
17 in his or her practice as a dentist, including, but not
18 limited to, false records to support claims against the
19 dental assistance program of the Department of Healthcare
20 and Family Services (formerly Illinois Department of
21 Public Aid).

22 23. Professional incompetence as manifested by poor
23 standards of care.

24 24. Physical or mental illness, including, but not
25 limited to, deterioration through the aging process, or
26 loss of motor skills which results in a dentist's inability

1 to practice dentistry with reasonable judgment, skill or
2 safety. In enforcing this paragraph, the Department may
3 compel a person licensed to practice under this Act to
4 submit to a mental or physical examination pursuant to the
5 terms and conditions of Section 23b.

6 25. Gross or repeated irregularities in billing for
7 services rendered to a patient. For purposes of this
8 paragraph 25, "irregularities in billing" shall include:

9 (a) Reporting excessive charges for the purpose of
10 obtaining a total payment in excess of that usually
11 received by the dentist for the services rendered.

12 (b) Reporting charges for services not rendered.

13 (c) Incorrectly reporting services rendered for
14 the purpose of obtaining payment not earned.

15 26. Continuing the active practice of dentistry while
16 knowingly having any infectious, communicable, or
17 contagious disease proscribed by rule or regulation of the
18 Department.

19 27. Being named as a perpetrator in an indicated report
20 by the Department of Children and Family Services pursuant
21 to the Abused and Neglected Child Reporting Act, and upon
22 proof by clear and convincing evidence that the licensee
23 has caused a child to be an abused child or neglected child
24 as defined in the Abused and Neglected Child Reporting Act.

25 28. Violating the Health Care Worker Self-Referral
26 Act.

1 29. Abandonment of a patient.

2 30. Mental incompetency as declared by a court of
3 competent jurisdiction.

4 31. A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status, has violated the terms of probation.

7 32. Material misstatement in furnishing information to
8 the Department.

9 33. Failing, within 60 days, to provide information in
10 response to a written request by the Department in the
11 course of an investigation.

12 34. Immoral conduct in the commission of any act,
13 including, but not limited to, commission of an act of
14 sexual misconduct related to the licensee's practice.

15 35. Cheating on or attempting to subvert the licensing
16 examination administered under this Act.

17 36. A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 37. Failure to establish and maintain records of
21 patient care and treatment as required under this Act.

22 38. Failure to provide copies of dental records as
23 required by law.

24 No consideration shall be given to convictions entered
25 prior to the date of the application, where the applicant has
26 completed any sentence imposed for that conviction, including

1 any period of mandatory supervised release.

2 All proceedings to suspend, revoke, place on probationary
3 status, or take any other disciplinary action as the Department
4 may deem proper, with regard to a license on any of the
5 foregoing grounds, must be commenced within 5 years after
6 receipt by the Department of a complaint alleging the
7 commission of or notice of the conviction order for any of the
8 acts described herein. Except for fraud in procuring a license,
9 no action shall be commenced more than 7 years after the date
10 of the incident or act alleged to have violated this Section.
11 The time during which the holder of the license was outside the
12 State of Illinois shall not be included within any period of
13 time limiting the commencement of disciplinary action by the
14 Department.

15 All fines imposed under this Section shall be paid within
16 60 days after the effective date of the order imposing the fine
17 or in accordance with the terms set forth in the order imposing
18 the fine.

19 The Department may refuse to issue or may suspend the
20 license of any person who fails to file a return, or to pay the
21 tax, penalty or interest shown in a filed return, or to pay any
22 final assessment of tax, penalty or interest, as required by
23 any tax Act administered by the Illinois Department of Revenue,
24 until such time as the requirements of any such tax Act are
25 satisfied.

26 Any dentist who has had his or her license suspended or

1 revoked for more than 5 years must comply with the requirements
2 for restoration set forth in Section 16 prior to being eligible
3 for reinstatement from the suspension or revocation.

4 (Source: P.A. 99-492, eff. 12-31-15.)

5 (225 ILCS 25/24) (from Ch. 111, par. 2324)

6 (Section scheduled to be repealed on January 1, 2026)

7 Sec. 24. Refusal, suspension or revocation of dental
8 hygienist license. The Department may refuse to issue or renew
9 or may revoke, suspend, place on probation, reprimand or take
10 other disciplinary or non-disciplinary action as the
11 Department may deem proper, including imposing fines not to
12 exceed \$10,000 per violation, with regard to any dental
13 hygienist license for any one or any combination of the
14 following causes:

15 1. Fraud or misrepresentation in applying for or
16 procuring a license under this Act, or in connection with
17 applying for renewal of a license under this Act.

18 2. Performing any operation not authorized by this Act.

19 3. Practicing dental hygiene other than under the
20 supervision of a licensed dentist as provided by this Act.

21 4. The wilful violation of, or the wilful procuring of,
22 or knowingly assisting in the violation of, any Act which
23 is now or which hereafter may be in force in this State
24 relating to the use of habit-forming drugs.

25 5. The obtaining of, or an attempt to obtain a license,

1 or practice in the profession, or money, or any other thing
2 of value by fraudulent representation.

3 6. Gross negligence in performing the operative
4 procedure of dental hygiene.

5 7. Active practice of dental hygiene while knowingly
6 having any infectious, communicable, or contagious disease
7 proscribed by rule or regulation of the Department.

8 8. Inability to practice with reasonable judgment,
9 skill, or safety as a result of habitual or excessive use
10 or addiction to alcohol, narcotics, stimulants, or any
11 other chemical agent or drug.

12 9. Conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or by
14 sentencing of any crime, including, but not limited to,
15 convictions, preceding sentences of supervision,
16 conditional discharge, or first offender probation, under
17 the laws of any jurisdiction of the United States that (i)
18 is a felony or (ii) is a misdemeanor, an essential element
19 of which is dishonesty, or that is directly related to the
20 practice of dental hygiene.

21 10. Aiding or abetting the unlicensed practice of
22 dentistry or dental hygiene.

23 11. Discipline by another U.S. jurisdiction or a
24 foreign nation, if at least one of the grounds for the
25 discipline is the same or substantially equivalent to those
26 set forth in this Act.

1 12. Violating the Health Care Worker Self-Referral
2 Act.

3 13. Violating the prohibitions of Section 38.1 of this
4 Act.

5 14. Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 15. A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation.

11 16. Material misstatement in furnishing information to
12 the Department.

13 17. Failing, within 60 days, to provide information in
14 response to a written request by the Department in the
15 course of an investigation.

16 18. Immoral conduct in the commission of any act,
17 including, but not limited to, commission of an act of
18 sexual misconduct related to the licensee's practice.

19 19. Cheating on or attempting to subvert the licensing
20 examination administered under this Act.

21 20. Violations of this Act or of the rules promulgated
22 under this Act.

23 21. Practicing under a false or, except as provided by
24 law, an assumed name.

25 No consideration shall be given to convictions entered
26 prior to the date of the application, where the applicant has

1 completed any sentence imposed for that conviction, including
2 any period of mandatory supervised release.

3 The provisions of this Act relating to proceedings for the
4 suspension and revocation of a license to practice dentistry
5 shall apply to proceedings for the suspension or revocation of
6 a license as a dental hygienist.

7 All proceedings to suspend, revoke, place on probationary
8 status, or take any other disciplinary action as the Department
9 may deem proper with regard to a license on any of the grounds
10 contained in this Section, must be commenced within 5 years
11 after receipt by the Department of a complaint alleging the
12 commission of or notice of the conviction order for any of the
13 acts described in this Section. Except for fraud in procuring a
14 license, no action shall be commenced more than 7 years after
15 the date of the incident or act alleged to have violated this
16 Section. The time during which the holder of the license was
17 outside the State of Illinois shall not be included within any
18 period of time limiting the commencement of disciplinary action
19 by the Department.

20 All fines imposed under this Section shall be paid within
21 60 days after the effective date of the order imposing the fine
22 or in accordance with the terms set forth in the order imposing
23 the fine.

24 Any dental hygienist who has had his or her license
25 suspended or revoked for more than 5 years must comply with the
26 requirements for restoration set forth in Section 16 prior to

1 being eligible for reinstatement from the suspension or
2 revocation.

3 (Source: P.A. 99-492, eff. 12-31-15.)

4 Section 55. The Dietitian Nutritionist Practice Act is
5 amended by changing Section 95 as follows:

6 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

8 Sec. 95. Grounds for discipline.

9 (1) The Department may refuse to issue or renew, or may
10 revoke, suspend, place on probation, reprimand, or take other
11 disciplinary or non-disciplinary action as the Department may
12 deem appropriate, including imposing fines not to exceed
13 \$10,000 for each violation, with regard to any license or
14 certificate for any one or combination of the following causes:

15 (a) Material misstatement in furnishing information to
16 the Department.

17 (b) Violations of this Act or of rules adopted under
18 this Act.

19 (c) Conviction by plea of guilty or nolo contendere,
20 finding of guilt, jury verdict, or entry of judgment or by
21 sentencing of any crime, including, but not limited to,
22 convictions, preceding sentences of supervision,
23 conditional discharge, or first offender probation, under
24 the laws of any jurisdiction of the United States (i) that

1 is a felony or (ii) that is a misdemeanor, an essential
2 element of which is dishonesty, or that is directly related
3 to the practice of the profession.

4 (d) Fraud or any misrepresentation in applying for or
5 procuring a license under this Act or in connection with
6 applying for renewal of a license under this Act.

7 (e) Professional incompetence or gross negligence.

8 (f) Malpractice.

9 (g) Aiding or assisting another person in violating any
10 provision of this Act or its rules.

11 (h) Failing to provide information within 60 days in
12 response to a written request made by the Department.

13 (i) Engaging in dishonorable, unethical or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (j) Habitual or excessive use or abuse of drugs defined
17 in law as controlled substances, alcohol, or any other
18 substance that results in the inability to practice with
19 reasonable judgment, skill, or safety.

20 (k) Discipline by another state, the District of
21 Columbia, territory, country, or governmental agency if at
22 least one of the grounds for the discipline is the same or
23 substantially equivalent to those set forth in this Act.

24 (l) Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered. Nothing in this

1 paragraph (1) affects any bona fide independent contractor
2 or employment arrangements among health care
3 professionals, health facilities, health care providers,
4 or other entities, except as otherwise prohibited by law.
5 Any employment arrangements may include provisions for
6 compensation, health insurance, pension, or other
7 employment benefits for the provision of services within
8 the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (1) shall be construed to require
10 an employment arrangement to receive professional fees for
11 services rendered.

12 (m) A finding by the Department that the licensee,
13 after having his or her license placed on probationary
14 status, has violated the terms of probation.

15 (n) Willfully making or filing false records or reports
16 in his or her practice, including, but not limited to,
17 false records filed with State agencies or departments.

18 (o) Allowing one's license under this Act to be used by
19 an unlicensed person in violation of this Act.

20 (p) Practicing under a false or, except as provided by
21 law, an assumed name.

22 (q) Gross and willful overcharging for professional
23 services.

24 (r) (Blank).

25 (s) Willfully failing to report an instance of
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

2 (t) Cheating on or attempting to subvert a licensing
3 examination administered under this Act.

4 (u) Mental illness or disability that results in the
5 inability to practice under this Act with reasonable
6 judgment, skill, or safety.

7 (v) Physical illness, including, but not limited to,
8 deterioration through the aging process or loss of motor
9 skill that results in a licensee's inability to practice
10 under this Act with reasonable judgment, skill, or safety.

11 (w) Advising an individual to discontinue, reduce,
12 increase, or otherwise alter the intake of a drug
13 prescribed by a physician licensed to practice medicine in
14 all its branches or by a prescriber as defined in Section
15 102 of the Illinois Controlled Substances Act.

16 No consideration shall be given to convictions entered
17 prior to the date of the application, where the applicant has
18 completed any sentence imposed for that conviction, including
19 any period of mandatory supervised release.

20 (2) The Department may refuse to issue or may suspend
21 without hearing, as provided for in the Code of Civil
22 Procedure, the license of any person who fails to file a
23 return, or pay the tax, penalty, or interest shown in a filed
24 return, or pay any final assessment of the tax, penalty, or
25 interest as required by any tax Act administered by the
26 Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied in accordance
2 with subsection (g) of Section 2105-15 of the Civil
3 Administrative Code of Illinois.

4 (3) The Department shall deny a license or renewal
5 authorized by this Act to a person who has defaulted on an
6 educational loan or scholarship provided or guaranteed by the
7 Illinois Student Assistance Commission or any governmental
8 agency of this State in accordance with item (5) of subsection
9 (a) of Section 2105-15 of the Civil Administrative Code of
10 Illinois.

11 (4) In cases where the Department of Healthcare and Family
12 Services has previously determined a licensee or a potential
13 licensee is more than 30 days delinquent in the payment of
14 child support and has subsequently certified the delinquency to
15 the Department, the Department may refuse to issue or renew or
16 may revoke or suspend that person's license or may take other
17 disciplinary action against that person based solely upon the
18 certification of delinquency made by the Department of
19 Healthcare and Family Services in accordance with item (5) of
20 subsection (a) of Section 2105-15 of the Civil Administrative
21 Code of Illinois.

22 (5) The determination by a circuit court that a licensee is
23 subject to involuntary admission or judicial admission, as
24 provided in the Mental Health and Developmental Disabilities
25 Code, operates as an automatic suspension. The suspension shall
26 end only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission
2 and the issuance of an order so finding and discharging the
3 patient.

4 (6) In enforcing this Act, the Department, upon a showing
5 of a possible violation, may compel an individual licensed to
6 practice under this Act, or who has applied for licensure under
7 this Act, to submit to a mental or physical examination, or
8 both, as required by and at the expense of the Department. The
9 Department may order the examining physician to present
10 testimony concerning the mental or physical examination of the
11 licensee or applicant. No information shall be excluded by
12 reason of any common law or statutory privilege relating to
13 communications between the licensee or applicant and the
14 examining physician. The examining physicians shall be
15 specifically designated by the Department. The individual to be
16 examined may have, at his or her own expense, another physician
17 of his or her choice present during all aspects of this
18 examination. The examination shall be performed by a physician
19 licensed to practice medicine in all its branches. Failure of
20 an individual to submit to a mental or physical examination,
21 when directed, shall result in an automatic suspension without
22 hearing.

23 A person holding a license under this Act or who has
24 applied for a license under this Act who, because of a physical
25 or mental illness or disability, including, but not limited to,
26 deterioration through the aging process or loss of motor skill,

1 is unable to practice the profession with reasonable judgment,
2 skill, or safety, may be required by the Department to submit
3 to care, counseling, or treatment by physicians approved or
4 designated by the Department as a condition, term, or
5 restriction for continued, reinstated, or renewed licensure to
6 practice. Submission to care, counseling, or treatment as
7 required by the Department shall not be considered discipline
8 of a license. If the licensee refuses to enter into a care,
9 counseling, or treatment agreement or fails to abide by the
10 terms of the agreement, then the Department may file a
11 complaint to revoke, suspend, or otherwise discipline the
12 license of the individual. The Secretary may order the license
13 suspended immediately, pending a hearing by the Department.
14 Fines shall not be assessed in disciplinary actions involving
15 physical or mental illness or impairment.

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

25 An individual licensed under this Act and affected under
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department that he or she can resume practice in compliance
2 with acceptable and prevailing standards under the provisions
3 of his or her license.

4 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
5 98-756, eff. 7-16-14.)

6 Section 60. The Environmental Health Practitioner
7 Licensing Act is amended by changing Section 35 as follows:

8 (225 ILCS 37/35)

9 (Section scheduled to be repealed on January 1, 2019)

10 Sec. 35. Grounds for discipline.

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

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

19 (2) Violations of this Act or its rules.

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

24 (4) Making any misrepresentation for the purpose of

1 obtaining a certificate of registration.

2 (5) Professional incompetence.

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

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

7 (8) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public as defined by rules of the
10 Department.

11 (9) Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 that results in an environmental health practitioner's
14 inability to practice with reasonable judgment, skill, or
15 safety.

16 (10) Discipline by another U.S. jurisdiction or
17 foreign nation, if at least one of the grounds for a
18 discipline is the same or substantially equivalent to those
19 set forth in this Act.

20 (11) A finding by the Department that the registrant,
21 after having his or her license placed on probationary
22 status, has violated the terms of probation.

23 (12) Willfully making or filing false records or
24 reports in his or her practice, including, but not limited
25 to, false records filed with State agencies or departments.

26 (13) Physical illness, including, but not limited to,

1 deterioration through the aging process or loss of motor
2 skills that result in the inability to practice the
3 profession with reasonable judgment, skill, or safety.

4 (14) Failure to comply with rules promulgated by the
5 Illinois Department of Public Health or other State
6 agencies related to the practice of environmental health.

7 (15) The Department shall deny any application for a
8 license or renewal of a license under this Act, without
9 hearing, to a person who has defaulted on an educational
10 loan guaranteed by the Illinois Student Assistance
11 Commission; however, the Department may issue a license or
12 renewal of a license if the person in default has
13 established a satisfactory repayment record as determined
14 by the Illinois Student Assistance Commission.

15 (16) Solicitation of professional services by using
16 false or misleading advertising.

17 (17) A finding that the license has been applied for or
18 obtained by fraudulent means.

19 (18) Practicing or attempting to practice under a name
20 other than the full name as shown on the license or any
21 other legally authorized name.

22 (19) Gross overcharging for professional services
23 including filing statements for collection of fees or
24 moneys for which services are not rendered.

25 No consideration shall be given to convictions entered
26 prior to the date of the application, where the applicant has

1 completed any sentence imposed for that conviction, including
2 any period of mandatory supervised release.

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

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

19 (d) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any person licensed
21 to practice under this Act or who has applied for licensure or
22 certification pursuant to this Act to submit to a mental or
23 physical examination, or both, as required by and at the
24 expense of the Department. The examining physicians shall be
25 those specifically designated by the Department. The
26 Department may order the examining physician to present

1 testimony concerning this mental or physical examination of the
2 licensee or applicant. No information shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communications between the licensee or applicant and the
5 examining physician. The person to be examined may have, at his
6 or her own expense, another physician of his or her choice
7 present during all aspects of the examination. Failure of any
8 person to submit to a mental or physical examination, when
9 directed, shall be grounds for suspension of a license until
10 the person submits to the examination if the Department finds,
11 after notice and hearing, that the refusal to submit to the
12 examination was without reasonable cause.

13 If the Department finds an individual unable to practice
14 because of the reasons set forth in this Section, the
15 Department may require that individual to submit to care,
16 counseling, or treatment by physicians approved or designated
17 by the Department, as a condition, term, or restriction for
18 continued, reinstated, or renewed licensure to practice or, in
19 lieu of care, counseling, or treatment, the Department may file
20 a complaint to immediately suspend, revoke, or otherwise
21 discipline the license of the individual.

22 Any person whose license was granted, continued,
23 reinstated, renewed, disciplined, or supervised subject to
24 such terms, conditions, or restrictions and who fails to comply
25 with such terms, conditions, or restrictions shall be referred
26 to the Director for a determination as to whether the person

1 shall have his or her license suspended immediately, pending a
2 hearing by the Department.

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

12 A person licensed under this Act and affected under this
13 Section shall be afforded an opportunity to demonstrate to the
14 Department that he or she can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of his or her license.

17 (Source: P.A. 92-837, eff. 8-22-02.)

18 Section 65. The Funeral Directors and Embalmers Licensing
19 Code is amended by changing Section 15-75 as follows:

20 (225 ILCS 41/15-75)

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

22 Sec. 15-75. Violations; grounds for discipline; penalties.

23 (a) Each of the following acts is a Class A misdemeanor for
24 the first offense, and a Class 4 felony for each subsequent

1 offense. These penalties shall also apply to unlicensed owners
2 of funeral homes.

3 (1) Practicing the profession of funeral directing and
4 embalming or funeral directing, or attempting to practice
5 the profession of funeral directing and embalming or
6 funeral directing without a license as a funeral director
7 and embalmer or funeral director.

8 (2) Serving or attempting to serve as an intern under a
9 licensed funeral director and embalmer without a license as
10 a licensed funeral director and embalmer intern.

11 (3) Obtaining or attempting to obtain a license,
12 practice or business, or any other thing of value, by fraud
13 or misrepresentation.

14 (4) Permitting any person in one's employ, under one's
15 control or in or under one's service to serve as a funeral
16 director and embalmer, funeral director, or funeral
17 director and embalmer intern when the person does not have
18 the appropriate license.

19 (5) Failing to display a license as required by this
20 Code.

21 (6) Giving false information or making a false oath or
22 affidavit required by this Code.

23 (b) The Department may refuse to issue or renew, revoke,
24 suspend, place on probation or administrative supervision,
25 reprimand, or take other disciplinary or non-disciplinary
26 action as the Department may deem appropriate, including

1 imposing fines not to exceed \$10,000 for each violation, with
2 regard to any license under the Code for any one or combination
3 of the following:

4 (1) Fraud or any misrepresentation in applying for or
5 procuring a license under this Code or in connection with
6 applying for renewal of a license under this Code.

7 (2) For licenses, conviction by plea of guilty or nolo
8 contendere, finding of guilt, jury verdict, or entry of
9 judgment or by sentencing of any crime, including, but not
10 limited to, convictions, preceding sentences of
11 supervision, conditional discharge, or first offender
12 probation, under the laws of any jurisdiction of the United
13 States: (i) that is a felony or (ii) that is a misdemeanor,
14 an essential element of which is dishonesty, or that is
15 directly related to the practice of the profession and, for
16 initial applicants, convictions set forth in Section 15-72
17 of this Act.

18 (3) Violation of the laws of this State relating to the
19 funeral, burial or disposition of deceased human bodies or
20 of the rules and regulations of the Department, or the
21 Department of Public Health.

22 (4) Directly or indirectly paying or causing to be paid
23 any sum of money or other valuable consideration for the
24 securing of business or for obtaining authority to dispose
25 of any deceased human body.

26 (5) Professional incompetence, gross negligence,

1 malpractice, or untrustworthiness in the practice of
2 funeral directing and embalming or funeral directing.

3 (6) (Blank).

4 (7) Engaging in, promoting, selling, or issuing burial
5 contracts, burial certificates, or burial insurance
6 policies in connection with the profession as a funeral
7 director and embalmer, funeral director, or funeral
8 director and embalmer intern in violation of any laws of
9 the State of Illinois.

10 (8) Refusing, without cause, to surrender the custody
11 of a deceased human body upon the proper request of the
12 person or persons lawfully entitled to the custody of the
13 body.

14 (9) Taking undue advantage of a client or clients as to
15 amount to the perpetration of fraud.

16 (10) Engaging in funeral directing and embalming or
17 funeral directing without a license.

18 (11) Encouraging, requesting, or suggesting by a
19 licensee or some person working on his behalf and with his
20 consent for compensation that a person utilize the services
21 of a certain funeral director and embalmer, funeral
22 director, or funeral establishment unless that information
23 has been expressly requested by the person. This does not
24 prohibit general advertising or pre-need solicitation.

25 (12) Making or causing to be made any false or
26 misleading statements about the laws concerning the

1 disposition of human remains, including, but not limited
2 to, the need to embalm, the need for a casket for cremation
3 or the need for an outer burial container.

4 (13) (Blank).

5 (14) Embalming or attempting to embalm a deceased human
6 body without express prior authorization of the person
7 responsible for making the funeral arrangements for the
8 body. This does not apply to cases where embalming is
9 directed by local authorities who have jurisdiction or when
10 embalming is required by State or local law. A licensee may
11 embalm without express prior authorization if a good faith
12 effort has been made to contact family members and has been
13 unsuccessful and the licensee has no reason to believe the
14 family opposes embalming.

15 (15) Making a false statement on a Certificate of Death
16 where the person making the statement knew or should have
17 known that the statement was false.

18 (16) Soliciting human bodies after death or while death
19 is imminent.

20 (17) Performing any act or practice that is a violation
21 of this Code, the rules for the administration of this
22 Code, or any federal, State or local laws, rules, or
23 regulations governing the practice of funeral directing or
24 embalming.

25 (18) Performing any act or practice that is a violation
26 of Section 2 of the Consumer Fraud and Deceptive Business

1 Practices Act.

2 (19) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public.

5 (20) Taking possession of a dead human body without
6 having first obtained express permission from the person
7 holding the right to control the disposition in accordance
8 with Section 5 of the Disposition of Remains Act or a
9 public agency legally authorized to direct, control or
10 permit the removal of deceased human bodies.

11 (21) Advertising in a false or misleading manner or
12 advertising using the name of an unlicensed person in
13 connection with any service being rendered in the practice
14 of funeral directing or funeral directing and embalming.
15 The use of any name of an unlicensed or unregistered person
16 in an advertisement so as to imply that the person will
17 perform services is considered misleading advertising.
18 Nothing in this paragraph shall prevent including the name
19 of any owner, officer or corporate director of a funeral
20 home, who is not a licensee, in any advertisement used by a
21 funeral home with which the individual is affiliated, if
22 the advertisement specifies the individual's affiliation
23 with the funeral home.

24 (22) Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered.

1 (23) Failing to account for or remit any monies,
2 documents, or personal property that belongs to others that
3 comes into a licensee's possession.

4 (24) Treating any person differently to his detriment
5 because of race, color, creed, gender, religion, or
6 national origin.

7 (25) Knowingly making any false statements, oral or
8 otherwise, of a character likely to influence, persuade or
9 induce others in the course of performing professional
10 services or activities.

11 (26) Willfully making or filing false records or
12 reports in the practice of funeral directing and embalming,
13 including, but not limited to, false records filed with
14 State agencies or departments.

15 (27) Failing to acquire continuing education required
16 under this Code.

17 (28) (Blank).

18 (29) Aiding or assisting another person in violating
19 any provision of this Code or rules adopted pursuant to
20 this Code.

21 (30) Failing within 10 days, to provide information in
22 response to a written request made by the Department.

23 (31) Discipline by another state, District of
24 Columbia, territory, foreign nation, or governmental
25 agency, if at least one of the grounds for the discipline
26 is the same or substantially equivalent to those set forth

1 in this Section.

2 (32) (Blank).

3 (33) Mental illness or disability which results in the
4 inability to practice the profession with reasonable
5 judgment, skill, or safety.

6 (34) Gross, willful, or continued overcharging for
7 professional services, including filing false statements
8 for collection of fees for which services are not rendered.

9 (35) Physical illness, including, but not limited to,
10 deterioration through the aging process or loss of motor
11 skill which results in a licensee's inability to practice
12 under this Code with reasonable judgment, skill, or safety.

13 (36) Failing to comply with any of the following
14 required activities:

15 (A) When reasonably possible, a funeral director
16 licensee or funeral director and embalmer licensee or
17 anyone acting on his or her behalf shall obtain the
18 express authorization of the person or persons
19 responsible for making the funeral arrangements for a
20 deceased human body prior to removing a body from the
21 place of death or any place it may be or embalming or
22 attempting to embalm a deceased human body, unless
23 required by State or local law. This requirement is
24 waived whenever removal or embalming is directed by
25 local authorities who have jurisdiction. If the
26 responsibility for the handling of the remains

1 lawfully falls under the jurisdiction of a public
2 agency, then the regulations of the public agency shall
3 prevail.

4 (B) A licensee shall clearly mark the price of any
5 casket offered for sale or the price of any service
6 using the casket on or in the casket if the casket is
7 displayed at the funeral establishment. If the casket
8 is displayed at any other location, regardless of
9 whether the licensee is in control of that location,
10 the casket shall be clearly marked and the registrant
11 shall use books, catalogues, brochures, or other
12 printed display aids to show the price of each casket
13 or service.

14 (C) At the time funeral arrangements are made and
15 prior to rendering the funeral services, a licensee
16 shall furnish a written statement of services to be
17 retained by the person or persons making the funeral
18 arrangements, signed by both parties, that shall
19 contain: (i) the name, address and telephone number of
20 the funeral establishment and the date on which the
21 arrangements were made; (ii) the price of the service
22 selected and the services and merchandise included for
23 that price; (iii) a clear disclosure that the person or
24 persons making the arrangement may decline and receive
25 credit for any service or merchandise not desired and
26 not required by law or the funeral director or the

1 funeral director and embalmer; (iv) the supplemental
2 items of service and merchandise requested and the
3 price of each item; (v) the terms or method of payment
4 agreed upon; and (vi) a statement as to any monetary
5 advances made by the registrant on behalf of the
6 family. The licensee shall maintain a copy of the
7 written statement of services in its permanent
8 records. All written statements of services are
9 subject to inspection by the Department.

10 (D) In all instances where the place of final
11 disposition of a deceased human body or the cremated
12 remains of a deceased human body is a cemetery, the
13 licensed funeral director and embalmer, or licensed
14 funeral director, who has been engaged to provide
15 funeral or embalming services shall remain at the
16 cemetery and personally witness the placement of the
17 human remains in their designated grave or the sealing
18 of the above ground depository, crypt, or urn. The
19 licensed funeral director or licensed funeral director
20 and embalmer may designate a licensed funeral director
21 and embalmer intern or representative of the funeral
22 home to be his or her witness to the placement of the
23 remains. If the cemetery authority, cemetery manager,
24 or any other agent of the cemetery takes any action
25 that prevents compliance with this paragraph (D), then
26 the funeral director and embalmer or funeral director

1 shall provide written notice to the Department within 5
2 business days after failing to comply. If the
3 Department receives this notice, then the Department
4 shall not take any disciplinary action against the
5 funeral director and embalmer or funeral director for a
6 violation of this paragraph (D) unless the Department
7 finds that the cemetery authority, manager, or any
8 other agent of the cemetery did not prevent the funeral
9 director and embalmer or funeral director from
10 complying with this paragraph (D) as claimed in the
11 written notice.

12 (E) A funeral director or funeral director and
13 embalmer shall fully complete the portion of the
14 Certificate of Death under the responsibility of the
15 funeral director or funeral director and embalmer and
16 provide all required information. In the event that any
17 reported information subsequently changes or proves
18 incorrect, a funeral director or funeral director and
19 embalmer shall immediately upon learning the correct
20 information correct the Certificate of Death.

21 (37) A finding by the Department that the licensee
22 ~~license~~, after having his or her license placed on
23 probationary status or subjected to conditions or
24 restrictions, violated the terms of the probation or failed
25 to comply with such terms or conditions.

26 (38) (Blank).

1 (39) Being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 pursuant to the Abused and Neglected Child Reporting Act
4 and, upon proof by clear and convincing evidence, being
5 found to have caused a child to be an abused child or
6 neglected child as defined in the Abused and Neglected
7 Child Reporting Act.

8 (40) Habitual or excessive use or abuse of drugs
9 defined in law as controlled substances, alcohol, or any
10 other substance which results in the inability to practice
11 with reasonable judgment, skill, or safety.

12 (41) Practicing under a false or, except as provided by
13 law, an assumed name.

14 (42) Cheating on or attempting to subvert the licensing
15 examination administered under this Code.

16 No consideration shall be given to convictions entered
17 prior to the date of the application, where the applicant has
18 completed any sentence imposed for that conviction, including
19 any period of mandatory supervised release.

20 (c) The Department may refuse to issue or renew or may
21 suspend without a hearing, as provided for in the Department of
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois, the license of any person who fails to file a return,
24 to pay the tax, penalty or interest shown in a filed return, or
25 to pay any final assessment of tax, penalty or interest as
26 required by any tax Act administered by the Illinois Department

1 of Revenue, until the time as the requirements of the tax Act
2 are satisfied in accordance with subsection (g) of Section
3 2105-15 of the Department of Professional Regulation Law of the
4 Civil Administrative Code of Illinois.

5 (d) No action may be taken under this Code against a person
6 licensed under this Code unless the action is commenced within
7 5 years after the occurrence of the alleged violations. A
8 continuing violation shall be deemed to have occurred on the
9 date when the circumstances last existed that give rise to the
10 alleged violation.

11 (e) Nothing in this Section shall be construed or enforced
12 to give a funeral director and embalmer, or his or her
13 designees, authority over the operation of a cemetery or over
14 cemetery employees. Nothing in this Section shall be construed
15 or enforced to impose duties or penalties on cemeteries with
16 respect to the timing of the placement of human remains in
17 their designated grave or the sealing of the above ground
18 depository, crypt, or urn due to patron safety, the allocation
19 of cemetery staffing, liability insurance, a collective
20 bargaining agreement, or other such reasons.

21 (f) All fines imposed under this Section shall be paid 60
22 days after the effective date of the order imposing the fine.

23 (g) The Department shall deny a license or renewal
24 authorized by this Code to a person who has defaulted on an
25 educational loan or scholarship provided or guaranteed by the
26 Illinois Student Assistance Commission or any governmental

1 agency of this State in accordance with item (5) of subsection
2 (a) of Section 2105-15 of the Department of Professional
3 Regulation Law of the Civil Administrative Code of Illinois.

4 (h) In cases where the Department of Healthcare and Family
5 Services has previously determined a licensee or a potential
6 licensee is more than 30 days delinquent in the payment of
7 child support and has subsequently certified the delinquency to
8 the Department, the Department may refuse to issue or renew or
9 may revoke or suspend that person's license or may take other
10 disciplinary action against that person based solely upon the
11 certification of delinquency made by the Department of
12 Healthcare and Family Services in accordance with item (5) of
13 subsection (a) of Section 2105-15 of the Department of
14 Professional Regulation Law of the Civil Administrative Code of
15 Illinois.

16 (i) A person not licensed under this Code who is an owner
17 of a funeral establishment or funeral business shall not aid,
18 abet, assist, procure, advise, employ, or contract with any
19 unlicensed person to offer funeral services or aid, abet,
20 assist, or direct any licensed person contrary to or in
21 violation of any rules or provisions of this Code. A person
22 violating this subsection shall be treated as a licensee for
23 the purposes of disciplinary action under this Section and
24 shall be subject to cease and desist orders as provided in this
25 Code, the imposition of a fine up to \$10,000 for each violation
26 and any other penalty provided by law.

1 (j) The determination by a circuit court that a licensee is
2 subject to involuntary admission or judicial admission as
3 provided in the Mental Health and Developmental Disabilities
4 Code, as amended, operates as an automatic suspension. The
5 suspension may end only upon a finding by a court that the
6 licensee is no longer subject to the involuntary admission or
7 judicial admission and issues an order so finding and
8 discharging the licensee, and upon the recommendation of the
9 Board to the Secretary that the licensee be allowed to resume
10 his or her practice.

11 (k) In enforcing this Code, the Department, upon a showing
12 of a possible violation, may compel an individual licensed to
13 practice under this Code, or who has applied for licensure
14 under this Code, to submit to a mental or physical examination,
15 or both, as required by and at the expense of the Department.
16 The Department may order the examining physician to present
17 testimony concerning the mental or physical examination of the
18 licensee or applicant. No information shall be excluded by
19 reason of any common law or statutory privilege relating to
20 communications between the licensee or applicant and the
21 examining physician. The examining physician shall be
22 specifically designated by the Department. The individual to be
23 examined may have, at his or her own expense, another physician
24 of his or her choice present during all aspects of this
25 examination. The examination shall be performed by a physician
26 licensed to practice medicine in all its branches. Failure of

1 an individual to submit to a mental or physical examination,
2 when directed, shall result in an automatic suspension without
3 hearing.

4 A person holding a license under this Code or who has
5 applied for a license under this Code who, because of a
6 physical or mental illness or disability, including, but not
7 limited to, deterioration through the aging process or loss of
8 motor skill, is unable to practice the profession with
9 reasonable judgment, skill, or safety, may be required by the
10 Department to submit to care, counseling, or treatment by
11 physicians approved or designated by the Department as a
12 condition, term, or restriction for continued, reinstated, or
13 renewed licensure to practice. Submission to care, counseling,
14 or treatment as required by the Department shall not be
15 considered discipline of a license. If the licensee refuses to
16 enter into a care, counseling, or treatment agreement or fails
17 to abide by the terms of the agreement, the Department may file
18 a complaint to revoke, suspend, or otherwise discipline the
19 license of the individual. The Secretary may order the license
20 suspended immediately, pending a hearing by the Department.
21 Fines shall not be assessed in disciplinary actions involving
22 physical or mental illness or impairment.

23 In instances in which the Secretary immediately suspends a
24 person's license under this Section, a hearing on that person's
25 license must be convened by the Department within 15 days after
26 the suspension and completed without appreciable delay. The

1 Department shall have the authority to review the subject
2 individual's record of treatment and counseling regarding the
3 impairment to the extent permitted by applicable federal
4 statutes and regulations safeguarding the confidentiality of
5 medical records.

6 An individual licensed under this Code and affected under
7 this Section shall be afforded an opportunity to demonstrate to
8 the Department that he or she can resume practice in compliance
9 with acceptable and prevailing standards under the provisions
10 of his or her license.

11 (Source: P.A. 98-756, eff. 7-16-14; 99-876, eff. 1-1-17;
12 revised 10-27-16.)

13 (225 ILCS 46/25 rep.)

14 Section 70. The Health Care Worker Background Check Act is
15 amended by repealing Section 25.

16 Section 75. The Hearing Instrument Consumer Protection Act
17 is amended by changing Section 18 as follows:

18 (225 ILCS 50/18) (from Ch. 111, par. 7418)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 18. Discipline by the Department. The Department may
21 refuse to issue or renew a license or it may revoke, suspend,
22 place on probation, censure, fine, or reprimand a licensee for
23 any of the following:

1 (a) Material misstatement in furnishing information to
2 the Department or to any other State or federal agency.

3 (b) Violations of this Act, or the rules promulgated
4 hereunder.

5 (c) Conviction of any crime under the laws of the
6 United States or any state or territory thereof which is a
7 felony or misdemeanor, an essential element of dishonesty,
8 or of any crime which is directly related to the practice
9 of the profession.

10 (d) Making any misrepresentation for the purpose of
11 obtaining a license or renewing a license, including
12 falsification of the continuing education requirement.

13 (e) Professional incompetence.

14 (f) Malpractice.

15 (g) Aiding or assisting another person in violating any
16 provision of this Act or the rules promulgated hereunder.

17 (h) Failing, within 30 days, to provide in writing
18 information in response to a written request made by the
19 Department.

20 (i) Engaging in dishonorable, unethical, or
21 unprofessional conduct which is likely to deceive,
22 defraud, or harm the public.

23 (j) Knowingly employing, directly or indirectly, any
24 suspended or unlicensed person to perform any services
25 covered by this Act.

26 (k) Habitual intoxication or addiction to the use of

1 drugs.

2 (l) Discipline by another state, the District of
3 Columbia, territory, or a foreign nation, if at least one
4 of the grounds for the discipline is the same or
5 substantially equivalent to those set forth herein.

6 (m) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate, or other form of compensation
9 for any service not actually rendered. Nothing in this
10 paragraph (m) affects any bona fide independent contractor
11 or employment arrangements among health care
12 professionals, health facilities, health care providers,
13 or other entities, except as otherwise prohibited by law.
14 Any employment arrangements may include provisions for
15 compensation, health insurance, pension, or other
16 employment benefits for the provision of services within
17 the scope of the licensee's practice under this Act.
18 Nothing in this paragraph (m) shall be construed to require
19 an employment arrangement to receive professional fees for
20 services rendered.

21 (n) A finding by the Board that the licensee, after
22 having his or her license placed on probationary status,
23 has violated the terms of ~~or~~ probation.

24 (o) Willfully making or filing false records or
25 reports.

26 (p) Willfully failing to report an instance of

1 suspected child abuse or neglect as required by the Abused
2 and Neglected Child Reporting Act.

3 (q) Physical illness, including, but not limited to,
4 deterioration through the aging process, or loss of motor
5 skill which results in the inability to practice the
6 profession with reasonable judgement, skill or safety.

7 (r) Solicitation of services or products by
8 advertising that is false or misleading. An advertisement
9 is false or misleading if it:

10 (1) contains an intentional misrepresentation of
11 fact;

12 (2) contains a false statement as to the licensee's
13 professional achievements, education, skills, or
14 qualifications in the hearing instrument dispensing
15 profession;

16 (3) makes a partial disclosure of a relevant fact,
17 including:

18 (i) the advertisement of a discounted price of
19 an item without identifying in the advertisement
20 or at the location of the item either the specific
21 product being offered at the discounted price or
22 the usual price of the item; and

23 (ii) the advertisement of the price of a
24 specifically identified hearing instrument if more
25 than one hearing instrument appears in the same
26 advertisement without an accompanying price;

1 (4) contains a representation that a product
2 innovation is new when, in fact, the product was first
3 offered by the manufacturer to the general public in
4 this State not less than 12 months before the date of
5 the advertisement;

6 (5) contains any other representation, statement,
7 or claim that is inherently misleading or deceptive; or

8 (6) contains information that the licensee
9 manufactures hearing instruments at the licensee's
10 office location unless the following statement
11 includes a statement disclosing that the instruments
12 are manufactured by a specified manufacturer and
13 assembled by the licensee.

14 (s) Participating in subterfuge or misrepresentation
15 in the fitting or servicing of a hearing instrument.

16 (t) (Blank).

17 (u) Representing that the service of a licensed
18 physician or other health professional will be used or made
19 available in the fitting, adjustment, maintenance, or
20 repair of hearing instruments when that is not true, or
21 using the words "doctor", "audiologist", "clinic",
22 "Clinical Audiologist", "Certified Hearing Aid
23 Audiologist", "State Licensed", "State Certified",
24 "Hearing Care Professional", "Licensed Hearing Instrument
25 Dispenser", "Licensed Hearing Aid Dispenser", "Board
26 Certified Hearing Instrument Specialist", "Hearing

1 Instrument Specialist", "Licensed Audiologist", or any
2 other term, abbreviation, or symbol which would give the
3 impression that service is being provided by persons who
4 are licensed or awarded a degree or title, or that the
5 person's service who is holding the license has been
6 recommended by a governmental agency or health provider,
7 when such is not the case.

8 (v) Advertising a manufacturer's product or using a
9 manufacturer's name or trademark implying a relationship
10 which does not exist.

11 (w) Directly or indirectly giving or offering anything
12 of value to any person who advises another in a
13 professional capacity, as an inducement to influence the
14 purchase of a product sold or offered for sale by a hearing
15 instrument dispenser or influencing persons to refrain
16 from dealing in the products of competitors.

17 (x) Conducting business while suffering from a
18 contagious disease.

19 (y) Engaging in the fitting or sale of hearing
20 instruments under a name with fraudulent intent.

21 (z) Dispensing a hearing instrument to a person who has
22 not been given tests utilizing appropriate established
23 procedures and instrumentation in the fitting of hearing
24 instruments, except where there is the replacement of a
25 hearing instrument, of the same make and model within one
26 year of the dispensing of the original hearing instrument.

1 (aa) Unavailability or unwillingness to adequately
2 provide for service or repair of hearing instruments fitted
3 and sold by the dispenser.

4 (bb) Violating the regulations of the Federal Food and
5 Drug Administration or the Federal Trade Commission as they
6 affect hearing instruments.

7 (cc) Violating any provision of the Consumer Fraud and
8 Deceptive Business Practices Act.

9 (dd) Violating the Health Care Worker Self-Referral
10 Act.

11 No consideration shall be given to convictions entered
12 prior to the date of the application, where the applicant has
13 completed any sentence imposed for that conviction, including
14 any period of mandatory supervised release.

15 The Department, with the approval of the Board, may impose
16 a fine not to exceed \$1,000 plus costs for the first violation
17 and not to exceed \$5,000 plus costs for each subsequent
18 violation of this Act, and the rules promulgated hereunder, on
19 any person or entity described in this Act. Such fine may be
20 imposed as an alternative to any other disciplinary measure,
21 except for probation. The imposition by the Department of a
22 fine for any violation does not bar the violation from being
23 alleged in subsequent disciplinary proceedings. Such fines
24 shall be deposited in the Fund.

25 (Source: P.A. 96-1482, eff. 11-29-10; revised 9-14-16.)

1 Section 80. The Home Medical Equipment and Services
2 Provider License Act is amended by changing Section 75 as
3 follows:

4 (225 ILCS 51/75)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 75. Refused issuance, suspension, or revocation of
7 license. The Department may refuse to issue, renew, or restore
8 a license, or may revoke, suspend, place on probation,
9 reprimand, impose a fine not to exceed \$10,000 for each
10 violation, or take other disciplinary or non-disciplinary
11 action as the Department may deem proper with regard to a
12 licensee for any one or combination of the following reasons:

13 (1) Making a material misstatement in furnishing
14 information to the Department.

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

16 (3) Conviction of or entry of a plea of guilty or nolo
17 contendere to any crime that is a felony under the laws of
18 the United States or any state or territory thereof or a
19 misdemeanor, an essential element of which is dishonesty or
20 that is directly related to the practice of the profession.

21 (4) Making a misrepresentation to obtain licensure or
22 to violate a provision of this Act.

23 (5) Gross negligence in practice under this Act.

24 (6) Engaging in a pattern of practice or other behavior
25 that demonstrates incapacity or incompetence to practice

1 under this Act.

2 (7) Aiding, assisting, or willingly permitting another
3 person in violating any provision of this Act or its rules.

4 (8) Failing, within 30 days, to provide information in
5 response to a written request made by the Department.

6 (9) Engaging in dishonorable, unethical, or
7 unprofessional conduct of a character likely to deceive,
8 defraud, or harm the public.

9 (10) Discipline by another state, District of
10 Columbia, territory, or foreign nation, if at least one of
11 the grounds for the discipline is the same or substantially
12 equivalent to one set forth in this Act.

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

17 (12) A finding that the licensee, after having its
18 license placed on probationary status, has violated the
19 terms of probation.

20 (13) Willfully making or filing false records or
21 reports in the course of providing home medical equipment
22 and services, including but not limited to false records or
23 reports filed with State agencies or departments.

24 (14) Solicitation of business services, other than
25 according to permitted advertising.

26 (15) The use of any words, abbreviations, figures, or

1 letters with the intention of indicating practice as a home
2 medical equipment and services provider without a license
3 issued under this Act.

4 (16) Failure to file a return, or to pay the tax,
5 penalty, or interest shown in a filed return, or to pay any
6 final assessment of tax, penalty, or interest, as required
7 by any tax Act administered by the Department of Revenue,
8 until such time as the requirements of any such tax Act are
9 satisfied.

10 (17) Failure to comply with federal or State laws and
11 regulations concerning home medical equipment and services
12 providers.

13 (18) Solicitation of professional services using false
14 or misleading advertising.

15 (19) Failure to display a license in accordance with
16 Section 45.

17 (20) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 that results in the inability to practice with reasonable
20 judgment, skill, or safety.

21 (21) Physical illness, mental illness, or disability,
22 including without limitation deterioration through the
23 aging process and loss of motor skill, that results in the
24 inability to practice the profession with reasonable
25 judgment, skill, or safety.

26 No consideration shall be given to convictions entered

1 prior to the date of the application, where the applicant has
2 completed any sentence imposed for that conviction, including
3 any period of mandatory supervised release.

4 (Source: P.A. 95-703, eff. 12-31-07.)

5 Section 85. The Marriage and Family Therapy Licensing Act
6 is amended by changing Section 85 as follows:

7 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 85. Refusal, revocation, or suspension.

10 (a) The Department may refuse to issue or renew, or may
11 revoke a license, or may suspend, place on probation, fine, or
12 take any disciplinary or non-disciplinary action as the
13 Department may deem proper, including fines not to exceed
14 \$10,000 for each violation, with regard to any licensee for any
15 one or combination of the following causes:

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

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

19 (3) Conviction of or entry of a plea of guilty or nolo
20 contendere to any crime that is a felony under the laws of
21 the United States or any state or territory thereof or a
22 misdemeanor of which an essential element is dishonesty or
23 that is directly related to the practice of the profession.

24 (4) Making any misrepresentation for the purpose of

1 obtaining a license or violating any provision of this Act
2 or its rules.

3 (5) Professional incompetence.

4 (6) Gross negligence.

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

7 (8) Failing, within 30 days, to provide information in
8 response to a written request made by the Department.

9 (9) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public as defined by the rules of the
12 Department, or violating the rules of professional conduct
13 adopted by the Board and published by the Department.

14 (10) Habitual or excessive use or addiction to alcohol,
15 narcotics, stimulants, or any other chemical agent or drug
16 that results in the inability to practice with reasonable
17 judgment, skill, or safety.

18 (11) Discipline by another state, territory, or
19 country if at least one of the grounds for the discipline
20 is the same or substantially equivalent to those set forth
21 in this Act.

22 (12) Directly or indirectly giving to or receiving from
23 any person, firm, corporation, partnership, or association
24 any fee, commission, rebate, or other form of compensation
25 for any professional services not actually or personally
26 rendered. Nothing in this paragraph (12) affects any bona

1 fide independent contractor or employment arrangements
2 among health care professionals, health facilities, health
3 care providers, or other entities, except as otherwise
4 prohibited by law. Any employment arrangements may include
5 provisions for compensation, health insurance, pension, or
6 other employment benefits for the provision of services
7 within the scope of the licensee's practice under this Act.
8 Nothing in this paragraph (12) shall be construed to
9 require an employment arrangement to receive professional
10 fees for services rendered.

11 (13) A finding by the Department that the licensee,
12 after having his or her license placed on probationary
13 status, has violated the terms of probation.

14 (14) Abandonment of a patient without cause.

15 (15) Willfully making or filing false records or
16 reports relating to a licensee's practice, including but
17 not limited to false records filed with State agencies or
18 departments.

19 (16) Wilfully failing to report an instance of
20 suspected child abuse or neglect as required by the Abused
21 and Neglected Child Reporting Act.

22 (17) Being named as a perpetrator in an indicated
23 report by the Department of Children and Family Services
24 under the Abused and Neglected Child Reporting Act and upon
25 proof by clear and convincing evidence that the licensee
26 has caused a child to be an abused child or neglected child

1 as defined in the Abused and Neglected Child Reporting Act.

2 (18) Physical illness or mental illness or impairment,
3 including, but not limited to, deterioration through the
4 aging process or loss of motor skill that results in the
5 inability to practice the profession with reasonable
6 judgment, skill, or safety.

7 (19) Solicitation of professional services by using
8 false or misleading advertising.

9 (20) A finding that licensure has been applied for or
10 obtained by fraudulent means.

11 (21) Practicing or attempting to practice under a name
12 other than the full name as shown on the license or any
13 other legally authorized name.

14 (22) Gross overcharging for professional services
15 including filing statements for collection of fees or
16 moneys for which services are not rendered.

17 No consideration shall be given to convictions entered
18 prior to the date of the application, where the applicant has
19 completed any sentence imposed for that conviction, including
20 any period of mandatory supervised release.

21 (b) The Department shall deny any application for a license
22 or renewal, without hearing, under this Act to any person who
23 has defaulted on an educational loan guaranteed by the Illinois
24 Student Assistance Commission; however, the Department may
25 issue a license or renewal if the person in default has
26 established a satisfactory repayment record as determined by

1 the Illinois Student Assistance Commission.

2 (c) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission, as
4 provided in the Mental Health and Developmental Disabilities
5 Code, operates as an automatic suspension. The suspension will
6 terminate only upon a finding by a court that the patient is no
7 longer subject to involuntary admission or judicial admission
8 and the issuance of an order so finding and discharging the
9 patient, and upon the recommendation of the Board to the
10 Secretary that the licensee be allowed to resume his or her
11 practice as a licensed marriage and family therapist or an
12 associate marriage and family therapist.

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

19 (e) In enforcing this Section, the Department or Board upon
20 a showing of a possible violation may compel an individual
21 licensed to practice under this Act, or who has applied for
22 licensure under this Act, to submit to a mental or physical
23 examination, or both, as required by and at the expense of the
24 Department. The Department or Board may order the examining
25 physician to present testimony concerning the mental or
26 physical examination of the licensee or applicant. No

1 information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physicians shall be specifically designated by the
5 Board or Department. The individual to be examined may have, at
6 his or her own expense, another physician of his or her choice
7 present during all aspects of this examination. Failure of an
8 individual to submit to a mental or physical examination, when
9 directed, shall be grounds for suspension of his or her license
10 until the individual submits to the examination if the
11 Department finds, after notice and hearing, that the refusal to
12 submit to the examination was without reasonable cause.

13 If the Department or Board finds an individual unable to
14 practice because of the reasons set forth in this Section, the
15 Department or Board may require that individual to submit to
16 care, counseling, or treatment by physicians approved or
17 designated by the Department or Board, as a condition, term, or
18 restriction for continued, reinstated, or renewed licensure to
19 practice; or, in lieu of care, counseling, or treatment, the
20 Department may file, or the Board may recommend to the
21 Department to file, a complaint to immediately suspend, revoke,
22 or otherwise discipline the license of the individual. An
23 individual whose license was granted, continued, reinstated,
24 renewed, disciplined or supervised subject to such terms,
25 conditions, or restrictions, and who fails to comply with such
26 terms, conditions, or restrictions, shall be referred to the

1 Secretary for a determination as to whether the individual
2 shall have his or her license suspended immediately, pending a
3 hearing by the Department.

4 In instances in which the Secretary immediately suspends a
5 person's license under this Section, a hearing on that person's
6 license must be convened by the Department within 30 days after
7 the suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 subject individual's record of treatment and counseling
10 regarding the impairment to the extent permitted by applicable
11 federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 An individual licensed under this Act and affected under
14 this Section shall be afforded an opportunity to demonstrate to
15 the Department or Board that he or she can resume practice in
16 compliance with acceptable and prevailing standards under the
17 provisions of his or her license.

18 (Source: P.A. 95-703, eff. 12-31-07; 96-1482, eff. 11-29-10.)

19 Section 90. The Massage Licensing Act is amended by
20 changing Section 45 as follows:

21 (225 ILCS 57/45)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 45. Grounds for discipline.

24 (a) The Department may refuse to issue or renew, or may

1 revoke, suspend, place on probation, reprimand, or take other
2 disciplinary or non-disciplinary action, as the Department
3 considers appropriate, including the imposition of fines not to
4 exceed \$10,000 for each violation, with regard to any license
5 or licensee for any one or more of the following:

6 (1) violations of this Act or of the rules adopted
7 under this Act;

8 (2) conviction by plea of guilty or nolo contendere,
9 finding of guilt, jury verdict, or entry of judgment or by
10 sentencing of any crime, including, but not limited to,
11 convictions, preceding sentences of supervision,
12 conditional discharge, or first offender probation, under
13 the laws of any jurisdiction of the United States: (i) that
14 is a felony; or (ii) that is a misdemeanor, an essential
15 element of which is dishonesty, or that is directly related
16 to the practice of the profession;

17 (3) professional incompetence;

18 (4) advertising in a false, deceptive, or misleading
19 manner;

20 (5) aiding, abetting, assisting, procuring, advising,
21 employing, or contracting with any unlicensed person to
22 practice massage contrary to any rules or provisions of
23 this Act;

24 (6) engaging in immoral conduct in the commission of
25 any act, such as sexual abuse, sexual misconduct, or sexual
26 exploitation, related to the licensee's practice;

1 (7) engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public;

4 (8) practicing or offering to practice beyond the scope
5 permitted by law or accepting and performing professional
6 responsibilities which the licensee knows or has reason to
7 know that he or she is not competent to perform;

8 (9) knowingly delegating professional responsibilities
9 to a person unqualified by training, experience, or
10 licensure to perform;

11 (10) failing to provide information in response to a
12 written request made by the Department within 60 days;

13 (11) having a habitual or excessive use of or addiction
14 to alcohol, narcotics, stimulants, or any other chemical
15 agent or drug which results in the inability to practice
16 with reasonable judgment, skill, or safety;

17 (12) having a pattern of practice or other behavior
18 that demonstrates incapacity or incompetence to practice
19 under this Act;

20 (13) discipline by another state, District of
21 Columbia, territory, or foreign nation, if at least one of
22 the grounds for the discipline is the same or substantially
23 equivalent to those set forth in this Section;

24 (14) a finding by the Department that the licensee,
25 after having his or her license placed on probationary
26 status, has violated the terms of probation;

1 (15) willfully making or filing false records or
2 reports in his or her practice, including, but not limited
3 to, false records filed with State agencies or departments;

4 (16) making a material misstatement in furnishing
5 information to the Department or otherwise making
6 misleading, deceptive, untrue, or fraudulent
7 representations in violation of this Act or otherwise in
8 the practice of the profession;

9 (17) fraud or misrepresentation in applying for or
10 procuring a license under this Act or in connection with
11 applying for renewal of a license under this Act;

12 (18) inability to practice the profession with
13 reasonable judgment, skill, or safety as a result of
14 physical illness, including, but not limited to,
15 deterioration through the aging process, loss of motor
16 skill, or a mental illness or disability;

17 (19) charging for professional services not rendered,
18 including filing false statements for the collection of
19 fees for which services are not rendered;

20 (20) practicing under a false or, except as provided by
21 law, an assumed name; or

22 (21) cheating on or attempting to subvert the licensing
23 examination administered under this Act.

24 No consideration shall be given to convictions entered
25 prior to the date of the application, where the applicant has
26 completed any sentence imposed for that conviction, including

1 any period of mandatory supervised release.

2 All fines shall be paid within 60 days of the effective
3 date of the order imposing the fine.

4 (b) A person not licensed under this Act and engaged in the
5 business of offering massage therapy services through others,
6 shall not aid, abet, assist, procure, advise, employ, or
7 contract with any unlicensed person to practice massage therapy
8 contrary to any rules or provisions of this Act. A person
9 violating this subsection (b) shall be treated as a licensee
10 for the purposes of disciplinary action under this Section and
11 shall be subject to cease and desist orders as provided in
12 Section 90 of this Act.

13 (c) The Department shall revoke any license issued under
14 this Act of any person who is convicted of prostitution, rape,
15 sexual misconduct, or any crime that subjects the licensee to
16 compliance with the requirements of the Sex Offender
17 Registration Act and any such conviction shall operate as a
18 permanent bar in the State of Illinois to practice as a massage
19 therapist.

20 (d) The Department may refuse to issue or may suspend the
21 license of any person who fails to file a tax return, to pay
22 the tax, penalty, or interest shown in a filed tax return, or
23 to pay any final assessment of tax, penalty, or interest, as
24 required by any tax Act administered by the Illinois Department
25 of Revenue, until such time as the requirements of the tax Act
26 are satisfied in accordance with subsection (g) of Section

1 2105-15 of the Civil Administrative Code of Illinois.

2 (e) The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State in accordance with item (5) of subsection
7 (a) of Section 2105-15 of the Civil Administrative Code of
8 Illinois.

9 (f) In cases where the Department of Healthcare and Family
10 Services has previously determined that a licensee or a
11 potential licensee is more than 30 days delinquent in the
12 payment of child support and has subsequently certified the
13 delinquency to the Department, the Department may refuse to
14 issue or renew or may revoke or suspend that person's license
15 or may take other disciplinary action against that person based
16 solely upon the certification of delinquency made by the
17 Department of Healthcare and Family Services in accordance with
18 item (5) of subsection (a) of Section 2105-15 of the Civil
19 Administrative Code of Illinois.

20 (g) The determination by a circuit court that a licensee is
21 subject to involuntary admission or judicial admission, as
22 provided in the Mental Health and Developmental Disabilities
23 Code, operates as an automatic suspension. The suspension will
24 end only upon a finding by a court that the patient is no
25 longer subject to involuntary admission or judicial admission
26 and the issuance of a court order so finding and discharging

1 the patient.

2 (h) In enforcing this Act, the Department or Board, upon a
3 showing of a possible violation, may compel an individual
4 licensed to practice under this Act, or who has applied for
5 licensure under this Act, to submit to a mental or physical
6 examination, or both, as required by and at the expense of the
7 Department. The Department or Board may order the examining
8 physician to present testimony concerning the mental or
9 physical examination of the licensee or applicant. No
10 information shall be excluded by reason of any common law or
11 statutory privilege relating to communications between the
12 licensee or applicant and the examining physician. The
13 examining physicians shall be specifically designated by the
14 Board or Department. The individual to be examined may have, at
15 his or her own expense, another physician of his or her choice
16 present during all aspects of this examination. The examination
17 shall be performed by a physician licensed to practice medicine
18 in all its branches. Failure of an individual to submit to a
19 mental or physical examination, when directed, shall result in
20 an automatic suspension without hearing.

21 A person holding a license under this Act or who has
22 applied for a license under this Act who, because of a physical
23 or mental illness or disability, including, but not limited to,
24 deterioration through the aging process or loss of motor skill,
25 is unable to practice the profession with reasonable judgment,
26 skill, or safety, may be required by the Department to submit

1 to care, counseling, or treatment by physicians approved or
2 designated by the Department as a condition, term, or
3 restriction for continued, reinstated, or renewed licensure to
4 practice. Submission to care, counseling, or treatment as
5 required by the Department shall not be considered discipline
6 of a license. If the licensee refuses to enter into a care,
7 counseling, or treatment agreement or fails to abide by the
8 terms of the agreement, the Department may file a complaint to
9 revoke, suspend, or otherwise discipline the license of the
10 individual. The Secretary may order the license suspended
11 immediately, pending a hearing by the Department. Fines shall
12 not be assessed in disciplinary actions involving physical or
13 mental illness or impairment.

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

23 An individual licensed under this Act and affected under
24 this Section shall be afforded an opportunity to demonstrate to
25 the Department or Board that he or she can resume practice in
26 compliance with acceptable and prevailing standards under the

1 provisions of his or her license.

2 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

3 Section 95. The Naprapathic Practice Act is amended by
4 changing Section 110 as follows:

5 (225 ILCS 63/110)

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

7 Sec. 110. Grounds for disciplinary action; refusal,
8 revocation, suspension.

9 (a) The Department may refuse to issue or to renew, or may
10 revoke, suspend, place on probation, reprimand or take other
11 disciplinary or non-disciplinary action as the Department may
12 deem appropriate, including imposing fines not to exceed
13 \$10,000 for each violation, with regard to any licensee or
14 license for any one or combination of the following causes:

15 (1) Violations of this Act or of rules adopted under
16 this Act.

17 (2) Material misstatement in furnishing information to
18 the Department.

19 (3) Conviction by plea of guilty or nolo contendere,
20 finding of guilt, jury verdict, or entry of judgment, or by
21 sentencing of any crime, including, but not limited to,
22 convictions, preceding sentences of supervision,
23 conditional discharge, or first offender probation, under
24 the laws of any jurisdiction of the United States: (i) that

1 is a felony or (ii) that is a misdemeanor, an essential
2 element of which is dishonesty, or that is directly related
3 to the practice of the profession.

4 (4) Fraud or any misrepresentation in applying for or
5 procuring a license under this Act or in connection with
6 applying for renewal of a license under this Act.

7 (5) Professional incompetence or gross negligence.

8 (6) Malpractice.

9 (7) Aiding or assisting another person in violating any
10 provision of this Act or its rules.

11 (8) Failing to provide information within 60 days in
12 response to a written request made by the Department.

13 (9) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (10) Habitual or excessive use or abuse of drugs
17 defined in law as controlled substances, alcohol, or any
18 other substance which results in the inability to practice
19 with reasonable judgment, skill, or safety.

20 (11) Discipline by another U.S. jurisdiction or
21 foreign nation if at least one of the grounds for the
22 discipline is the same or substantially equivalent to those
23 set forth in this Act.

24 (12) Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate, or other form of compensation

1 for any professional services not actually or personally
2 rendered. This shall not be deemed to include rent or other
3 remunerations paid to an individual, partnership, or
4 corporation by a naprapath for the lease, rental, or use of
5 space, owned or controlled by the individual, partnership,
6 corporation, or association. Nothing in this paragraph
7 (12) affects any bona fide independent contractor or
8 employment arrangements among health care professionals,
9 health facilities, health care providers, or other
10 entities, except as otherwise prohibited by law. Any
11 employment arrangements may include provisions for
12 compensation, health insurance, pension, or other
13 employment benefits for the provision of services within
14 the scope of the licensee's practice under this Act.
15 Nothing in this paragraph (12) shall be construed to
16 require an employment arrangement to receive professional
17 fees for services rendered.

18 (13) Using the title "Doctor" or its abbreviation
19 without further clarifying that title or abbreviation with
20 the word "naprapath" or "naprapathy" or the designation
21 "D.N.".

22 (14) A finding by the Department that the licensee,
23 after having his or her license placed on probationary
24 status, has violated the terms of probation.

25 (15) Abandonment of a patient without cause.

26 (16) Willfully making or filing false records or

1 reports relating to a licensee's practice, including but
2 not limited to, false records filed with State agencies or
3 departments.

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

7 (18) Physical or mental illness or disability,
8 including, but not limited to, deterioration through the
9 aging process or loss of motor skill that results in the
10 inability to practice the profession with reasonable
11 judgment, skill, or safety.

12 (19) Solicitation of professional services by means
13 other than permitted advertising.

14 (20) Failure to provide a patient with a copy of his or
15 her record upon the written request of the patient.

16 (21) Cheating on or attempting to subvert the licensing
17 examination administered under this Act.

18 (22) Allowing one's license under this Act to be used
19 by an unlicensed person in violation of this Act.

20 (23) (Blank).

21 (24) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 under the Abused and Neglected Child Reporting Act and upon
24 proof by clear and convincing evidence that the licensee
25 has caused a child to be an abused child or a neglected
26 child as defined in the Abused and Neglected Child

1 Reporting Act.

2 (25) Practicing under a false or, except as provided by
3 law, an assumed name.

4 (26) Immoral conduct in the commission of any act, such
5 as sexual abuse, sexual misconduct, or sexual
6 exploitation, related to the licensee's practice.

7 (27) Maintaining a professional relationship with any
8 person, firm, or corporation when the naprapath knows, or
9 should know, that the person, firm, or corporation is
10 violating this Act.

11 (28) Promotion of the sale of food supplements,
12 devices, appliances, or goods provided for a client or
13 patient in such manner as to exploit the patient or client
14 for financial gain of the licensee.

15 (29) Having treated ailments of human beings other than
16 by the practice of naprapathy as defined in this Act, or
17 having treated ailments of human beings as a licensed
18 naprapath independent of a documented referral or
19 documented current and relevant diagnosis from a
20 physician, dentist, or podiatric physician, or having
21 failed to notify the physician, dentist, or podiatric
22 physician who established a documented current and
23 relevant diagnosis that the patient is receiving
24 naprapathic treatment pursuant to that diagnosis.

25 (30) Use by a registered naprapath of the word
26 "infirmary", "hospital", "school", "university", in

1 English or any other language, in connection with the place
2 where naprapathy may be practiced or demonstrated.

3 (31) Continuance of a naprapath in the employ of any
4 person, firm, or corporation, or as an assistant to any
5 naprapath or naprapaths, directly or indirectly, after his
6 or her employer or superior has been found guilty of
7 violating or has been enjoined from violating the laws of
8 the State of Illinois relating to the practice of
9 naprapathy when the employer or superior persists in that
10 violation.

11 (32) The performance of naprapathic service in
12 conjunction with a scheme or plan with another person,
13 firm, or corporation known to be advertising in a manner
14 contrary to this Act or otherwise violating the laws of the
15 State of Illinois concerning the practice of naprapathy.

16 (33) Failure to provide satisfactory proof of having
17 participated in approved continuing education programs as
18 determined by and approved by the Secretary. Exceptions for
19 extreme hardships are to be defined by the rules of the
20 Department.

21 (34) (Blank).

22 (35) Gross or willful overcharging for professional
23 services.

24 (36) (Blank).

25 No consideration shall be given to convictions entered
26 prior to the date of the application, where the applicant has

1 completed any sentence imposed for that conviction, including
2 any period of mandatory supervised release.

3 All fines imposed under this Section shall be paid within
4 60 days after the effective date of the order imposing the
5 fine.

6 (b) The Department may refuse to issue or may suspend
7 without hearing, as provided for in the Department of
8 Professional Regulation Law of the Civil Administrative Code,
9 the license of any person who fails to file a return, or pay
10 the tax, penalty, or interest shown in a filed return, or pay
11 any final assessment of the tax, penalty, or interest as
12 required by any tax Act administered by the Illinois Department
13 of Revenue, until such time as the requirements of any such tax
14 Act are satisfied in accordance with subsection (g) of Section
15 2105-15 of the Department of Professional Regulation Law of the
16 Civil Administrative Code of Illinois.

17 (c) The Department shall deny a license or renewal
18 authorized by this Act to a person who has defaulted on an
19 educational loan or scholarship provided or guaranteed by the
20 Illinois Student Assistance Commission or any governmental
21 agency of this State in accordance with item (5) of subsection
22 (a) of Section 2105-15 of the Department of Professional
23 Regulation Law of the Civil Administrative Code of Illinois.

24 (d) In cases where the Department of Healthcare and Family
25 Services has previously determined a licensee or a potential
26 licensee is more than 30 days delinquent in the payment of

1 child support and has subsequently certified the delinquency to
2 the Department, the Department may refuse to issue or renew or
3 may revoke or suspend that person's license or may take other
4 disciplinary action against that person based solely upon the
5 certification of delinquency made by the Department of
6 Healthcare and Family Services in accordance with item (5) of
7 subsection (a) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code of
9 Illinois.

10 (e) The determination by a circuit court that a licensee is
11 subject to involuntary admission or judicial admission, as
12 provided in the Mental Health and Developmental Disabilities
13 Code, operates as an automatic suspension. The suspension shall
14 end only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission
16 and the issuance of an order so finding and discharging the
17 patient.

18 (f) In enforcing this Act, the Department, upon a showing
19 of a possible violation, may compel an individual licensed to
20 practice under this Act, or who has applied for licensure under
21 this Act, to submit to a mental or physical examination and
22 evaluation, or both, which may include a substance abuse or
23 sexual offender evaluation, as required by and at the expense
24 of the Department. The Department shall specifically designate
25 the examining physician licensed to practice medicine in all of
26 its branches or, if applicable, the multidisciplinary team

1 involved in providing the mental or physical examination and
2 evaluation, or both. The multidisciplinary team shall be led by
3 a physician licensed to practice medicine in all of its
4 branches and may consist of one or more or a combination of
5 physicians licensed to practice medicine in all of its
6 branches, licensed chiropractic physicians, licensed clinical
7 psychologists, licensed clinical social workers, licensed
8 clinical professional counselors, and other professional and
9 administrative staff. Any examining physician or member of the
10 multidisciplinary team may require any person ordered to submit
11 to an examination and evaluation pursuant to this Section to
12 submit to any additional supplemental testing deemed necessary
13 to complete any examination or evaluation process, including,
14 but not limited to, blood testing, urinalysis, psychological
15 testing, or neuropsychological testing.

16 The Department may order the examining physician or any
17 member of the multidisciplinary team to provide to the
18 Department any and all records including business records that
19 relate to the examination and evaluation, including any
20 supplemental testing performed. The Department may order the
21 examining physician or any member of the multidisciplinary team
22 to present testimony concerning the examination and evaluation
23 of the licensee or applicant, including testimony concerning
24 any supplemental testing or documents in any way related to the
25 examination and evaluation. No information, report, record, or
26 other documents in any way related to the examination and

1 evaluation shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician or any member
4 of the multidisciplinary team. No authorization is necessary
5 from the licensee or applicant ordered to undergo an evaluation
6 and examination for the examining physician or any member of
7 the multidisciplinary team to provide information, reports,
8 records, or other documents or to provide any testimony
9 regarding the examination and evaluation. The individual to be
10 examined may have, at his or her own expense, another physician
11 of his or her choice present during all aspects of this
12 examination. Failure of an individual to submit to a mental or
13 physical examination and evaluation, or both, when directed,
14 shall result in an automatic suspension without hearing, until
15 such time as the individual submits to the examination.

16 A person holding a license under this Act or who has
17 applied for a license under this Act who, because of a physical
18 or mental illness or disability, including, but not limited to,
19 deterioration through the aging process or loss of motor skill,
20 is unable to practice the profession with reasonable judgment,
21 skill, or safety, may be required by the Department to submit
22 to care, counseling, or treatment by physicians approved or
23 designated by the Department as a condition, term, or
24 restriction for continued, reinstated, or renewed licensure to
25 practice. Submission to care, counseling, or treatment as
26 required by the Department shall not be considered discipline

1 of a license. If the licensee refuses to enter into a care,
2 counseling, or treatment agreement or fails to abide by the
3 terms of the agreement, the Department may file a complaint to
4 revoke, suspend, or otherwise discipline the license of the
5 individual. The Secretary may order the license suspended
6 immediately, pending a hearing by the Department. Fines shall
7 not be assessed in disciplinary actions involving physical or
8 mental illness or impairment.

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

18 An individual licensed under this Act and affected under
19 this Section shall be afforded an opportunity to demonstrate to
20 the Department that he or she can resume practice in compliance
21 with acceptable and prevailing standards under the provisions
22 of his or her license.

23 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;
24 98-463, eff. 8-16-13.)

25 Section 100. The Nurse Practice Act is amended by changing

1 Sections 55-10, 60-10, 65-5, and 70-5 as follows:

2 (225 ILCS 65/55-10) (was 225 ILCS 65/10-30)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 55-10. Qualifications for LPN licensure.

5 (a) Each applicant who successfully meets the requirements
6 of this Section shall be entitled to licensure as a Licensed
7 Practical Nurse.

8 (b) An applicant for licensure by examination to practice
9 as a practical nurse must do each of the following:

10 (1) Submit a completed written application, on forms
11 provided by the Department and fees as established by the
12 Department.

13 (2) Have graduated from a practical nursing education
14 program approved by the Department or have been granted a
15 certificate of completion of pre-licensure requirements
16 from another United States jurisdiction.

17 (3) Successfully complete a licensure examination
18 approved by the Department.

19 (4) Have not violated the provisions of this Act
20 concerning the grounds for disciplinary action. ~~The~~
21 ~~Department may take into consideration any felony~~
22 ~~conviction of the applicant, but such a conviction shall~~
23 ~~not operate as an absolute bar to licensure.~~

24 (5) Submit to the criminal history records check
25 required under Section 50-35 of this Act.

1 (6) Submit either to the Department or its designated
2 testing service, a fee covering the cost of providing the
3 examination. Failure to appear for the examination on the
4 scheduled date at the time and place specified after the
5 applicant's application for examination has been received
6 and acknowledged by the Department or the designated
7 testing service shall result in the forfeiture of the
8 examination fee.

9 (7) Meet all other requirements established by rule.

10 No consideration shall be given to convictions entered
11 prior to the date of the application, where the applicant has
12 completed any sentence imposed for that conviction, including
13 any period of mandatory supervised release.

14 An applicant for licensure by examination may take the
15 Department-approved examination in another jurisdiction.

16 (b-5) If an applicant for licensure by examination
17 neglects, fails, or refuses to take an examination or fails to
18 pass an examination for a license under this Act within 3 years
19 after filing the application, the application shall be denied.
20 The applicant must enroll in and complete an approved practical
21 nursing education program prior to submitting an additional
22 application for the licensure exam.

23 An applicant may take and successfully complete a
24 Department-approved examination in another jurisdiction.
25 However, an applicant who has never been licensed previously in
26 any jurisdiction that utilizes a Department-approved

1 examination and who has taken and failed to pass the
2 examination within 3 years after filing the application must
3 submit proof of successful completion of a
4 Department-authorized nursing education program or
5 recompletion of an approved licensed practical nursing program
6 prior to re-application.

7 (c) An applicant for licensure by examination shall have
8 one year from the date of notification of successful completion
9 of the examination to apply to the Department for a license. If
10 an applicant fails to apply within one year, the applicant
11 shall be required to retake and pass the examination unless
12 licensed in another jurisdiction of the United States.

13 (d) A licensed practical nurse applicant who passes the
14 Department-approved licensure examination and has applied to
15 the Department for licensure may obtain employment as a
16 license-pending practical nurse and practice as delegated by a
17 registered professional nurse or an advanced practice nurse or
18 physician. An individual may be employed as a license-pending
19 practical nurse if all of the following criteria are met:

20 (1) He or she has completed and passed the
21 Department-approved licensure exam and presents to the
22 employer the official written notification indicating
23 successful passage of the licensure examination.

24 (2) He or she has completed and submitted to the
25 Department an application for licensure under this Section
26 as a practical nurse.

1 (3) He or she has submitted the required licensure fee.

2 (4) He or she has met all other requirements
3 established by rule, including having submitted to a
4 criminal history records check.

5 (e) The privilege to practice as a license-pending
6 practical nurse shall terminate with the occurrence of any of
7 the following:

8 (1) Three months have passed since the official date of
9 passing the licensure exam as inscribed on the formal
10 written notification indicating passage of the exam. This
11 3-month period may be extended as determined by rule.

12 (2) Receipt of the practical nurse license from the
13 Department.

14 (3) Notification from the Department that the
15 application for licensure has been denied.

16 (4) A request by the Department that the individual
17 terminate practicing as a license-pending practical nurse
18 until an official decision is made by the Department to
19 grant or deny a practical nurse license.

20 (f) An applicant for licensure by endorsement who is a
21 licensed practical nurse licensed by examination under the laws
22 of another state or territory of the United States or a foreign
23 country, jurisdiction, territory, or province must do each of
24 the following:

25 (1) Submit a completed written application, on forms
26 supplied by the Department, and fees as established by the

1 Department.

2 (2) Have graduated from a practical nursing education
3 program approved by the Department.

4 (3) Submit verification of licensure status directly
5 from the United States jurisdiction of licensure, if
6 applicable, as defined by rule.

7 (4) Submit to the criminal history records check
8 required under Section 50-35 of this Act.

9 (5) Meet all other requirements as established by the
10 Department by rule.

11 (g) All applicants for practical nurse licensure by
12 examination or endorsement who are graduates of nursing
13 educational programs in a country other than the United States
14 or its territories shall have their nursing education
15 credentials evaluated by a Department-approved nursing
16 credentialing evaluation service. No such applicant may be
17 issued a license under this Act unless the applicant's program
18 is deemed by the nursing credentialing evaluation service to be
19 equivalent to a professional nursing education program
20 approved by the Department. An applicant who has graduated from
21 a nursing educational program outside of the United States or
22 its territories and whose first language is not English shall
23 submit certification of passage of the Test of English as a
24 Foreign Language (TOEFL), as defined by rule. The Department
25 may, upon recommendation from the nursing evaluation service,
26 waive the requirement that the applicant pass the TOEFL

1 examination if the applicant submits verification of the
2 successful completion of a nursing education program conducted
3 in English. The requirements of this subsection (d) may be
4 satisfied by the showing of proof of a certificate from the
5 Certificate Program or the VisaScreen Program of the Commission
6 on Graduates of Foreign Nursing Schools.

7 (h) An applicant licensed in another state or territory who
8 is applying for licensure and has received her or his education
9 in a country other than the United States or its territories
10 shall have her or his nursing education credentials evaluated
11 by a Department-approved nursing credentialing evaluation
12 service. No such applicant may be issued a license under this
13 Act unless the applicant's program is deemed by the nursing
14 credentialing evaluation service to be equivalent to a
15 professional nursing education program approved by the
16 Department. An applicant who has graduated from a nursing
17 educational program outside of the United States or its
18 territories and whose first language is not English shall
19 submit certification of passage of the Test of English as a
20 Foreign Language (TOEFL), as defined by rule. The Department
21 may, upon recommendation from the nursing evaluation service,
22 waive the requirement that the applicant pass the TOEFL
23 examination if the applicant submits verification of the
24 successful completion of a nursing education program conducted
25 in English or the successful passage of an approved licensing
26 examination given in English. The requirements of this

1 subsection (d-5) may be satisfied by the showing of proof of a
2 certificate from the Certificate Program or the VisaScreen
3 Program of the Commission on Graduates of Foreign Nursing
4 Schools.

5 (i) A licensed practical nurse who holds an unencumbered
6 license in good standing in another United States jurisdiction
7 and who has applied for practical nurse licensure under this
8 Act by endorsement may be issued a temporary license, if
9 satisfactory proof of such licensure in another jurisdiction is
10 presented to the Department. The Department shall not issue an
11 applicant a temporary practical nurse license until it is
12 satisfied that the applicant holds an active, unencumbered
13 license in good standing in another jurisdiction. If the
14 applicant holds more than one current active license or one or
15 more active temporary licenses from another jurisdiction, the
16 Department may not issue a temporary license until the
17 Department is satisfied that each current active license held
18 by the applicant is unencumbered. The temporary license, which
19 shall be issued no later than 14 working days following receipt
20 by the Department of an application for the temporary license,
21 shall be granted upon the submission of all of the following to
22 the Department:

23 (1) A completed application for licensure as a
24 practical nurse.

25 (2) Proof of a current, active license in at least one
26 other jurisdiction of the United States and proof that each

1 current active license or temporary license held by the
2 applicant within the last 5 years is unencumbered.

3 (3) A signed and completed application for a temporary
4 license.

5 (4) The required temporary license fee.

6 (j) The Department may refuse to issue an applicant a
7 temporary license authorized pursuant to this Section if,
8 within 14 working days following its receipt of an application
9 for a temporary license, the Department determines that:

10 (1) (blank); ~~the applicant has been convicted of a~~
11 ~~crime under the laws of a jurisdiction of the United States~~
12 ~~that is: (i) a felony; or (ii) a misdemeanor directly~~
13 ~~related to the practice of the profession, within the last~~
14 ~~5 years;~~

15 (2) the applicant has had a license or permit related
16 to the practice of practical nursing revoked, suspended, or
17 placed on probation by another jurisdiction within the last
18 5 years and at least one of the grounds for revoking,
19 suspending, or placing on probation is the same or
20 substantially equivalent to grounds in Illinois; or

21 (3) the Department intends to deny licensure by
22 endorsement.

23 (k) The Department may revoke a temporary license issued
24 pursuant to this Section if it determines any of the following:

25 (1) That the applicant has been convicted of a crime
26 under the law of any jurisdiction of the United States that

1 is (i) a felony or (ii) a misdemeanor directly related to
2 the practice of the profession, within the last 5 years.

3 (2) That within the last 5 years the applicant has had
4 a license or permit related to the practice of nursing
5 revoked, suspended, or placed on probation by another
6 jurisdiction, and at least one of the grounds for revoking,
7 suspending, or placing on probation is the same or
8 substantially equivalent to grounds for disciplinary
9 action under this Act.

10 (3) That the Department intends to deny licensure by
11 endorsement.

12 (1) A temporary license shall expire 6 months from the date
13 of issuance. Further renewal may be granted by the Department
14 in hardship cases, as defined by rule and upon approval of the
15 Secretary. However, a temporary license shall automatically
16 expire upon issuance of a valid license under this Act or upon
17 notification that the Department intends to deny licensure,
18 whichever occurs first.

19 (m) All applicants for practical nurse licensure have 3
20 years from the date of application to complete the application
21 process. If the process has not been completed within 3 years
22 from the date of application, the application shall be denied,
23 the fee forfeited, and the applicant must reapply and meet the
24 requirements in effect at the time of reapplication.

25 (Source: P.A. 94-352, eff. 7-28-05; 94-932, eff. 1-1-07;
26 95-639, eff. 10-5-07.)

1 (225 ILCS 65/60-10)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 60-10. Qualifications for RN licensure.

4 (a) Each applicant who successfully meets the requirements
5 of this Section shall be entitled to licensure as a registered
6 professional nurse.

7 (b) An applicant for licensure by examination to practice
8 as a registered professional nurse must do each of the
9 following:

10 (1) Submit a completed written application, on forms
11 provided by the Department, and fees, as established by the
12 Department.

13 (2) Have graduated from a professional nursing
14 education program approved by the Department or have been
15 granted a certificate of completion of pre-licensure
16 requirements from another United States jurisdiction.

17 (3) Successfully complete a licensure examination
18 approved by the Department.

19 (4) Have not violated the provisions of this Act
20 concerning the grounds for disciplinary action. ~~The~~
21 ~~Department may take into consideration any felony~~
22 ~~conviction of the applicant, but such a conviction may not~~
23 ~~operate as an absolute bar to licensure.~~

24 (5) Submit to the criminal history records check
25 required under Section 50-35 of this Act.

1 (6) Submit, either to the Department or its designated
2 testing service, a fee covering the cost of providing the
3 examination. Failure to appear for the examination on the
4 scheduled date at the time and place specified after the
5 applicant's application for examination has been received
6 and acknowledged by the Department or the designated
7 testing service shall result in the forfeiture of the
8 examination fee.

9 (7) Meet all other requirements established by the
10 Department by rule. An applicant for licensure by
11 examination may take the Department-approved examination
12 in another jurisdiction.

13 No consideration shall be given to convictions entered
14 prior to the date of the application, where the applicant has
15 completed any sentence imposed for that conviction, including
16 any period of mandatory supervised release.

17 (b-5) If an applicant for licensure by examination
18 neglects, fails, or refuses to take an examination or fails to
19 pass an examination for a license within 3 years after filing
20 the application, the application shall be denied. The applicant
21 may make a new application accompanied by the required fee,
22 evidence of meeting the requirements in force at the time of
23 the new application, and proof of the successful completion of
24 at least 2 additional years of professional nursing education.

25 (c) An applicant for licensure by examination shall have
26 one year after the date of notification of the successful

1 completion of the examination to apply to the Department for a
2 license. If an applicant fails to apply within one year, the
3 applicant shall be required to retake and pass the examination
4 unless licensed in another jurisdiction of the United States.

5 (d) An applicant for licensure by examination who passes
6 the Department-approved licensure examination for professional
7 nursing may obtain employment as a license-pending registered
8 nurse and practice under the direction of a registered
9 professional nurse or an advanced practice nurse until such
10 time as he or she receives his or her license to practice or
11 until the license is denied. In no instance shall any such
12 applicant practice or be employed in any management capacity.
13 An individual may be employed as a license-pending registered
14 nurse if all of the following criteria are met:

15 (1) He or she has completed and passed the
16 Department-approved licensure exam and presents to the
17 employer the official written notification indicating
18 successful passage of the licensure examination.

19 (2) He or she has completed and submitted to the
20 Department an application for licensure under this Section
21 as a registered professional nurse.

22 (3) He or she has submitted the required licensure fee.

23 (4) He or she has met all other requirements
24 established by rule, including having submitted to a
25 criminal history records check.

26 (e) The privilege to practice as a license-pending

1 registered nurse shall terminate with the occurrence of any of
2 the following:

3 (1) Three months have passed since the official date of
4 passing the licensure exam as inscribed on the formal
5 written notification indicating passage of the exam. The
6 3-month license pending period may be extended if more time
7 is needed by the Department to process the licensure
8 application.

9 (2) Receipt of the registered professional nurse
10 license from the Department.

11 (3) Notification from the Department that the
12 application for licensure has been refused.

13 (4) A request by the Department that the individual
14 terminate practicing as a license-pending registered nurse
15 until an official decision is made by the Department to
16 grant or deny a registered professional nurse license.

17 (f) An applicant for registered professional nurse
18 licensure by endorsement who is a registered professional nurse
19 licensed by examination under the laws of another state or
20 territory of the United States must do each of the following:

21 (1) Submit a completed written application, on forms
22 supplied by the Department, and fees as established by the
23 Department.

24 (2) Have graduated from a registered professional
25 nursing education program approved by the Department.

26 (3) Submit verification of licensure status directly

1 from the United States jurisdiction of licensure, if
2 applicable, as defined by rule.

3 (4) Submit to the criminal history records check
4 required under Section 50-35 of this Act.

5 (5) Meet all other requirements as established by the
6 Department by rule.

7 (g) Pending the issuance of a license under this Section,
8 the Department may grant an applicant a temporary license to
9 practice nursing as a registered professional nurse if the
10 Department is satisfied that the applicant holds an active,
11 unencumbered license in good standing in another U.S.
12 jurisdiction. If the applicant holds more than one current
13 active license or one or more active temporary licenses from
14 another jurisdiction, the Department may not issue a temporary
15 license until the Department is satisfied that each current
16 active license held by the applicant is unencumbered. The
17 temporary license, which shall be issued no later than 14
18 working days after receipt by the Department of an application
19 for the temporary license, shall be granted upon the submission
20 of all of the following to the Department:

21 (1) A completed application for licensure as a
22 registered professional nurse.

23 (2) Proof of a current, active license in at least one
24 other jurisdiction of the United States and proof that each
25 current active license or temporary license held by the
26 applicant within the last 5 years is unencumbered.

1 (3) A completed application for a temporary license.

2 (4) The required temporary license fee.

3 (h) The Department may refuse to issue an applicant a
4 temporary license authorized pursuant to this Section if,
5 within 14 working days after its receipt of an application for
6 a temporary license, the Department determines that:

7 (1) (blank); ~~the applicant has been convicted of a~~
8 ~~crime under the laws of a jurisdiction of the United States~~
9 ~~that is (i) a felony or (ii) a misdemeanor directly related~~
10 ~~to the practice of the profession, within the last 5 years;~~

11 (2) the applicant has had a license or permit related
12 to the practice of nursing revoked, suspended, or placed on
13 probation by another jurisdiction within the last 5 years,
14 if at least one of the grounds for revoking, suspending, or
15 placing on probation is the same or substantially
16 equivalent to grounds for disciplinary action under this
17 Act; or

18 (3) the Department intends to deny licensure by
19 endorsement.

20 (i) The Department may revoke a temporary license issued
21 pursuant to this Section if it determines any of the following:

22 (1) That the applicant has been convicted of a crime
23 under the laws of any jurisdiction of the United States
24 that is (i) a felony or (ii) a misdemeanor directly related
25 to the practice of the profession, within the last 5 years.

26 (2) That within the last 5 years, the applicant has had

1 a license or permit related to the practice of nursing
2 revoked, suspended, or placed on probation by another
3 jurisdiction, if at least one of the grounds for revoking,
4 suspending, or placing on probation is the same or
5 substantially equivalent to grounds for disciplinary
6 action under this Act.

7 (3) That it intends to deny licensure by endorsement.

8 (j) A temporary license issued under this Section shall
9 expire 6 months after the date of issuance. Further renewal may
10 be granted by the Department in hardship cases, as defined by
11 rule and upon approval of the Secretary. However, a temporary
12 license shall automatically expire upon issuance of the
13 Illinois license or upon notification that the Department
14 intends to deny licensure, whichever occurs first.

15 (k) All applicants for registered professional nurse
16 licensure have 3 years after the date of application to
17 complete the application process. If the process has not been
18 completed within 3 years after the date of application, the
19 application shall be denied, the fee forfeited, and the
20 applicant must reapply and meet the requirements in effect at
21 the time of reapplication.

22 (l) All applicants for registered nurse licensure by
23 examination or endorsement who are graduates of practical
24 nursing educational programs in a country other than the United
25 States and its territories shall have their nursing education
26 credentials evaluated by a Department-approved nursing

1 credentialing evaluation service. No such applicant may be
2 issued a license under this Act unless the applicant's program
3 is deemed by the nursing credentialing evaluation service to be
4 equivalent to a professional nursing education program
5 approved by the Department. An applicant who has graduated from
6 a nursing educational program outside of the United States or
7 its territories and whose first language is not English shall
8 submit certification of passage of the Test of English as a
9 Foreign Language (TOEFL), as defined by rule. The Department
10 may, upon recommendation from the nursing evaluation service,
11 waive the requirement that the applicant pass the TOEFL
12 examination if the applicant submits verification of the
13 successful completion of a nursing education program conducted
14 in English. The requirements of this subsection (1) may be
15 satisfied by the showing of proof of a certificate from the
16 Certificate Program or the VisaScreen Program of the Commission
17 on Graduates of Foreign Nursing Schools.

18 (m) An applicant licensed in another state or territory who
19 is applying for licensure and has received her or his education
20 in a country other than the United States or its territories
21 shall have her or his nursing education credentials evaluated
22 by a Department-approved nursing credentialing evaluation
23 service. No such applicant may be issued a license under this
24 Act unless the applicant's program is deemed by the nursing
25 credentialing evaluation service to be equivalent to a
26 professional nursing education program approved by the

1 Department. An applicant who has graduated from a nursing
2 educational program outside of the United States or its
3 territories and whose first language is not English shall
4 submit certification of passage of the Test of English as a
5 Foreign Language (TOEFL), as defined by rule. The Department
6 may, upon recommendation from the nursing evaluation service,
7 waive the requirement that the applicant pass the TOEFL
8 examination if the applicant submits verification of the
9 successful completion of a nursing education program conducted
10 in English or the successful passage of an approved licensing
11 examination given in English. The requirements of this
12 subsection (m) may be satisfied by the showing of proof of a
13 certificate from the Certificate Program or the VisaScreen
14 Program of the Commission on Graduates of Foreign Nursing
15 Schools.

16 (Source: P.A. 95-639, eff. 10-5-07.)

17 (225 ILCS 65/65-5) (was 225 ILCS 65/15-10)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 65-5. Qualifications for APN licensure.

20 (a) Each applicant who successfully meets the requirements
21 of this Section shall be entitled to licensure as an advanced
22 practice nurse.

23 (b) An applicant for licensure to practice as an advanced
24 practice nurse must do each of the following:

25 (1) Submit a completed application and any fees as

1 established by the Department.

2 (2) Hold a current license to practice as a registered
3 professional nurse under this Act.

4 (3) Have successfully completed requirements to
5 practice as, and holds and maintains current, national
6 certification as, a nurse midwife, clinical nurse
7 specialist, nurse practitioner, or certified registered
8 nurse anesthetist from the appropriate national certifying
9 body as determined by rule of the Department.

10 (4) Have obtained a graduate degree appropriate for
11 national certification in a clinical advanced practice
12 nursing specialty or a graduate degree or post-master's
13 certificate from a graduate level program in a clinical
14 advanced practice nursing specialty.

15 (5) Have not violated the provisions of this Act
16 concerning the grounds for disciplinary action. ~~The~~
17 ~~Department may take into consideration any felony~~
18 ~~conviction of the applicant, but such a conviction may not~~
19 ~~operate as an absolute bar to licensure.~~

20 (6) Submit to the criminal history records check
21 required under Section 50-35 of this Act.

22 No consideration shall be given to convictions entered
23 prior to the date of the application, where the applicant has
24 completed any sentence imposed for that conviction, including
25 any period of mandatory supervised release.

26 (b-5) A registered professional nurse seeking licensure as

1 an advanced practice nurse in the category of certified
2 registered nurse anesthetist who does not have a graduate
3 degree as described in subsection (b) of this Section shall be
4 qualified for licensure if that person:

5 (1) submits evidence of having successfully completed
6 a nurse anesthesia program described in item (4) of
7 subsection (b) of this Section prior to January 1, 1999;

8 (2) submits evidence of certification as a registered
9 nurse anesthetist by an appropriate national certifying
10 body; and

11 (3) has continually maintained active, up-to-date
12 recertification status as a certified registered nurse
13 anesthetist by an appropriate national recertifying body.

14 (b-10) The Department shall issue a certified registered
15 nurse anesthetist license to an APN who (i) does not have a
16 graduate degree, (ii) applies for licensure before July 1,
17 2018, and (iii) submits all of the following to the Department:

18 (1) His or her current State registered nurse license
19 number.

20 (2) Proof of current national certification, which
21 includes the completion of an examination from either of
22 the following:

23 (A) the Council on Certification of the American
24 Association of Nurse Anesthetists; or

25 (B) the Council on Recertification of the American
26 Association of Nurse Anesthetists.

1 (3) Proof of the successful completion of a post-basic
2 advanced practice formal education program in the area of
3 nurse anesthesia prior to January 1, 1999.

4 (4) His or her complete work history for the 5-year
5 period immediately preceding the date of his or her
6 application.

7 (5) Verification of licensure as an advanced practice
8 nurse from the state in which he or she was originally
9 licensed, current state of licensure, and any other state
10 in which he or she has been actively practicing as an
11 advanced practice nurse within the 5-year period
12 immediately preceding the date of his or her application.
13 If applicable, this verification must state:

14 (A) the time during which he or she was licensed in
15 each state, including the date of the original issuance
16 of each license; and

17 (B) any disciplinary action taken or pending
18 concerning any nursing license held, currently or in
19 the past, by the applicant.

20 (6) The required fee.

21 (c) Those applicants seeking licensure in more than one
22 advanced practice nursing specialty need not possess multiple
23 graduate degrees. Applicants may be eligible for licenses for
24 multiple advanced practice nurse licensure specialties,
25 provided that the applicant (i) has met the requirements for at
26 least one advanced practice nursing specialty under paragraphs

1 (3) and (5) of subsection (a) of this Section, (ii) possesses
2 an additional graduate education that results in a certificate
3 for another clinical advanced practice nurse specialty and that
4 meets the requirements for the national certification from the
5 appropriate nursing specialty, and (iii) holds a current
6 national certification from the appropriate national
7 certifying body for that additional advanced practice nursing
8 specialty.

9 (Source: P.A. 98-837, eff. 1-1-15.)

10 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 70-5. Grounds for disciplinary action.

13 (a) The Department may refuse to issue or to renew, or may
14 revoke, suspend, place on probation, reprimand, or take other
15 disciplinary or non-disciplinary action as the Department may
16 deem appropriate, including fines not to exceed \$10,000 per
17 violation, with regard to a license for any one or combination
18 of the causes set forth in subsection (b) below. All fines
19 collected under this Section shall be deposited in the Nursing
20 Dedicated and Professional Fund.

21 (b) Grounds for disciplinary action include the following:

22 (1) Material deception in furnishing information to
23 the Department.

24 (2) Material violations of any provision of this Act or
25 violation of the rules of or final administrative action of

1 the Secretary, after consideration of the recommendation
2 of the Board.

3 (3) Conviction by plea of guilty or nolo contendere,
4 finding of guilt, jury verdict, or entry of judgment or by
5 sentencing of any crime, including, but not limited to,
6 convictions, preceding sentences of supervision,
7 conditional discharge, or first offender probation, under
8 the laws of any jurisdiction of the United States: (i) that
9 is a felony; or (ii) that is a misdemeanor, an essential
10 element of which is dishonesty, or that is directly related
11 to the practice of the profession.

12 (4) A pattern of practice or other behavior which
13 demonstrates incapacity or incompetency to practice under
14 this Act.

15 (5) Knowingly aiding or assisting another person in
16 violating any provision of this Act or rules.

17 (6) Failing, within 90 days, to provide a response to a
18 request for information in response to a written request
19 made by the Department by certified mail.

20 (7) Engaging in dishonorable, unethical or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public, as defined by rule.

23 (8) Unlawful taking, theft, selling, distributing, or
24 manufacturing of any drug, narcotic, or prescription
25 device.

26 (9) Habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug
2 that could result in a licensee's inability to practice
3 with reasonable judgment, skill or safety.

4 (10) Discipline by another U.S. jurisdiction or
5 foreign nation, if at least one of the grounds for the
6 discipline is the same or substantially equivalent to those
7 set forth in this Section.

8 (11) A finding that the licensee, after having her or
9 his license placed on probationary status or subject to
10 conditions or restrictions, has violated the terms of
11 probation or failed to comply with such terms or
12 conditions.

13 (12) Being named as a perpetrator in an indicated
14 report by the Department of Children and Family Services
15 and under the Abused and Neglected Child Reporting Act, and
16 upon proof by clear and convincing evidence that the
17 licensee has caused a child to be an abused child or
18 neglected child as defined in the Abused and Neglected
19 Child Reporting Act.

20 (13) Willful omission to file or record, or willfully
21 impeding the filing or recording or inducing another person
22 to omit to file or record medical reports as required by
23 law or willfully failing to report an instance of suspected
24 child abuse or neglect as required by the Abused and
25 Neglected Child Reporting Act.

26 (14) Gross negligence in the practice of practical,

1 professional, or advanced practice nursing.

2 (15) Holding oneself out to be practicing nursing under
3 any name other than one's own.

4 (16) Failure of a licensee to report to the Department
5 any adverse final action taken against him or her by
6 another licensing jurisdiction of the United States or any
7 foreign state or country, any peer review body, any health
8 care institution, any professional or nursing society or
9 association, any governmental agency, any law enforcement
10 agency, or any court or a nursing liability claim related
11 to acts or conduct similar to acts or conduct that would
12 constitute grounds for action as defined in this Section.

13 (17) Failure of a licensee to report to the Department
14 surrender by the licensee of a license or authorization to
15 practice nursing or advanced practice nursing in another
16 state or jurisdiction or current surrender by the licensee
17 of membership on any nursing staff or in any nursing or
18 advanced practice nursing or professional association or
19 society while under disciplinary investigation by any of
20 those authorities or bodies for acts or conduct similar to
21 acts or conduct that would constitute grounds for action as
22 defined by this Section.

23 (18) Failing, within 60 days, to provide information in
24 response to a written request made by the Department.

25 (19) Failure to establish and maintain records of
26 patient care and treatment as required by law.

1 (20) Fraud, deceit or misrepresentation in applying
2 for or procuring a license under this Act or in connection
3 with applying for renewal of a license under this Act.

4 (21) Allowing another person or organization to use the
5 licensees' license to deceive the public.

6 (22) Willfully making or filing false records or
7 reports in the licensee's practice, including but not
8 limited to false records to support claims against the
9 medical assistance program of the Department of Healthcare
10 and Family Services (formerly Department of Public Aid)
11 under the Illinois Public Aid Code.

12 (23) Attempting to subvert or cheat on a licensing
13 examination administered under this Act.

14 (24) Immoral conduct in the commission of an act,
15 including, but not limited to, sexual abuse, sexual
16 misconduct, or sexual exploitation, related to the
17 licensee's practice.

18 (25) Willfully or negligently violating the
19 confidentiality between nurse and patient except as
20 required by law.

21 (26) Practicing under a false or assumed name, except
22 as provided by law.

23 (27) The use of any false, fraudulent, or deceptive
24 statement in any document connected with the licensee's
25 practice.

26 (28) Directly or indirectly giving to or receiving from

1 a person, firm, corporation, partnership, or association a
2 fee, commission, rebate, or other form of compensation for
3 professional services not actually or personally rendered.
4 Nothing in this paragraph (28) affects any bona fide
5 independent contractor or employment arrangements among
6 health care professionals, health facilities, health care
7 providers, or other entities, except as otherwise
8 prohibited by law. Any employment arrangements may include
9 provisions for compensation, health insurance, pension, or
10 other employment benefits for the provision of services
11 within the scope of the licensee's practice under this Act.
12 Nothing in this paragraph (28) shall be construed to
13 require an employment arrangement to receive professional
14 fees for services rendered.

15 (29) A violation of the Health Care Worker
16 Self-Referral Act.

17 (30) Physical illness, including but not limited to
18 deterioration through the aging process or loss of motor
19 skill, mental illness, or disability that results in the
20 inability to practice the profession with reasonable
21 judgment, skill, or safety.

22 (31) Exceeding the terms of a collaborative agreement
23 or the prescriptive authority delegated to a licensee by
24 his or her collaborating physician or podiatric physician
25 in guidelines established under a written collaborative
26 agreement.

1 (32) Making a false or misleading statement regarding a
2 licensee's skill or the efficacy or value of the medicine,
3 treatment, or remedy prescribed by him or her in the course
4 of treatment.

5 (33) Prescribing, selling, administering,
6 distributing, giving, or self-administering a drug
7 classified as a controlled substance (designated product)
8 or narcotic for other than medically accepted therapeutic
9 purposes.

10 (34) Promotion of the sale of drugs, devices,
11 appliances, or goods provided for a patient in a manner to
12 exploit the patient for financial gain.

13 (35) Violating State or federal laws, rules, or
14 regulations relating to controlled substances.

15 (36) Willfully or negligently violating the
16 confidentiality between an advanced practice nurse,
17 collaborating physician, dentist, or podiatric physician
18 and a patient, except as required by law.

19 (37) A violation of any provision of this Act or any
20 rules promulgated under this Act.

21 No consideration shall be given to convictions entered
22 prior to the date of the application, where the applicant has
23 completed any sentence imposed for that conviction, including
24 any period of mandatory supervised release.

25 (c) The determination by a circuit court that a licensee is
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental Disabilities
2 Code, as amended, operates as an automatic suspension. The
3 suspension will end only upon a finding by a court that the
4 patient is no longer subject to involuntary admission or
5 judicial admission and issues an order so finding and
6 discharging the patient; and upon the recommendation of the
7 Board to the Secretary that the licensee be allowed to resume
8 his or her practice.

9 (d) The Department may refuse to issue or may suspend or
10 otherwise discipline the license of any person who fails to
11 file a return, or to pay the tax, penalty or interest shown in
12 a filed return, or to pay any final assessment of the tax,
13 penalty, or interest as required by any tax Act administered by
14 the Department of Revenue, until such time as the requirements
15 of any such tax Act are satisfied.

16 (e) In enforcing this Act, the Department or Board, upon a
17 showing of a possible violation, may compel an individual
18 licensed to practice under this Act or who has applied for
19 licensure under this Act, to submit to a mental or physical
20 examination, or both, as required by and at the expense of the
21 Department. The Department or Board may order the examining
22 physician to present testimony concerning the mental or
23 physical examination of the licensee or applicant. No
24 information shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician. The

1 examining physicians shall be specifically designated by the
2 Board or Department. The individual to be examined may have, at
3 his or her own expense, another physician of his or her choice
4 present during all aspects of this examination. Failure of an
5 individual to submit to a mental or physical examination, when
6 directed, shall result in an automatic suspension without
7 hearing.

8 All substance-related violations shall mandate an
9 automatic substance abuse assessment. Failure to submit to an
10 assessment by a licensed physician who is certified as an
11 addictionist or an advanced practice nurse with specialty
12 certification in addictions may be grounds for an automatic
13 suspension, as defined by rule.

14 If the Department or Board finds an individual unable to
15 practice or unfit for duty because of the reasons set forth in
16 this Section, the Department or Board may require that
17 individual to submit to a substance abuse evaluation or
18 treatment by individuals or programs approved or designated by
19 the Department or Board, as a condition, term, or restriction
20 for continued, reinstated, or renewed licensure to practice;
21 or, in lieu of evaluation or treatment, the Department may
22 file, or the Board may recommend to the Department to file, a
23 complaint to immediately suspend, revoke, or otherwise
24 discipline the license of the individual. An individual whose
25 license was granted, continued, reinstated, renewed,
26 disciplined or supervised subject to such terms, conditions, or

1 restrictions, and who fails to comply with such terms,
2 conditions, or restrictions, shall be referred to the Secretary
3 for a determination as to whether the individual shall have his
4 or her license suspended immediately, pending a hearing by the
5 Department.

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

15 An individual licensed under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate to
17 the Department that he or she can resume practice in compliance
18 with nursing standards under the provisions of his or her
19 license.

20 (Source: P.A. 98-214, eff. 8-9-13.)

21 Section 105. The Nursing Home Administrators Licensing and
22 Disciplinary Act is amended by changing Section 17 as follows:

23 (225 ILCS 70/17) (from Ch. 111, par. 3667)

24 Sec. 17. Grounds for disciplinary action.

1 (a) The Department may impose fines not to exceed \$10,000
2 or may refuse to issue or to renew, or may revoke, suspend,
3 place on probation, censure, reprimand or take other
4 disciplinary or non-disciplinary action with regard to the
5 license of any person, for any one or combination of the
6 following causes:

7 (1) Intentional material misstatement in furnishing
8 information to the Department.

9 (2) Conviction of or entry of a plea of guilty or nolo
10 contendere to any crime that is a felony under the laws of
11 the United States or any state or territory thereof or a
12 misdemeanor of which an essential element is dishonesty or
13 that is directly related to the practice of the profession
14 of nursing home administration.

15 (3) Making any misrepresentation for the purpose of
16 obtaining a license, or violating any provision of this
17 Act.

18 (4) Immoral conduct in the commission of any act, such
19 as sexual abuse or sexual misconduct, related to the
20 licensee's practice.

21 (5) Failing to respond within 30 days, to a written
22 request made by the Department for information.

23 (6) Engaging in dishonorable, unethical or
24 unprofessional conduct of a character likely to deceive,
25 defraud or harm the public.

26 (7) Habitual use or addiction to alcohol, narcotics,

1 stimulants, or any other chemical agent or drug which
2 results in the inability to practice with reasonable
3 judgment, skill or safety.

4 (8) Discipline by another U.S. jurisdiction if at least
5 one of the grounds for the discipline is the same or
6 substantially equivalent to those set forth herein.

7 (9) A finding by the Department that the licensee,
8 after having his or her license placed on probationary
9 status has violated the terms of probation.

10 (10) Willfully making or filing false records or
11 reports in his or her practice, including but not limited
12 to false records filed with State agencies or departments.

13 (11) Physical illness, mental illness, or other
14 impairment or disability, including, but not limited to,
15 deterioration through the aging process, or loss of motor
16 skill that results in the inability to practice the
17 profession with reasonable judgment, skill or safety.

18 (12) Disregard or violation of this Act or of any rule
19 issued pursuant to this Act.

20 (13) Aiding or abetting another in the violation of
21 this Act or any rule or regulation issued pursuant to this
22 Act.

23 (14) Allowing one's license to be used by an unlicensed
24 person.

25 (15) (Blank).

26 (16) Professional incompetence in the practice of

1 nursing home administration.

2 (17) Conviction of a violation of Section 12-19 or
3 subsection (a) of Section 12-4.4a of the Criminal Code of
4 1961 or the Criminal Code of 2012 for the abuse and
5 criminal neglect of a long term care facility resident.

6 (18) Violation of the Nursing Home Care Act, the
7 Specialized Mental Health Rehabilitation Act of 2013, the
8 ID/DD Community Care Act, or the MC/DD Act or of any rule
9 issued under the Nursing Home Care Act, the Specialized
10 Mental Health Rehabilitation Act of 2013, the ID/DD
11 Community Care Act, or the MC/DD Act. A final adjudication
12 of a Type "AA" violation of the Nursing Home Care Act made
13 by the Illinois Department of Public Health, as identified
14 by rule, relating to the hiring, training, planning,
15 organizing, directing, or supervising the operation of a
16 nursing home and a licensee's failure to comply with this
17 Act or the rules adopted under this Act, shall create a
18 rebuttable presumption of a violation of this subsection.

19 (19) Failure to report to the Department any adverse
20 final action taken against the licensee by a licensing
21 authority of another state, territory of the United States,
22 or foreign country; or by any governmental or law
23 enforcement agency; or by any court for acts or conduct
24 similar to acts or conduct that would constitute grounds
25 for disciplinary action under this Section.

26 (20) Failure to report to the Department the surrender

1 of a license or authorization to practice as a nursing home
2 administrator in another state or jurisdiction for acts or
3 conduct similar to acts or conduct that would constitute
4 grounds for disciplinary action under this Section.

5 (21) Failure to report to the Department any adverse
6 judgment, settlement, or award arising from a liability
7 claim related to acts or conduct similar to acts or conduct
8 that would constitute grounds for disciplinary action
9 under this Section.

10 (22) Failure to submit any required report under
11 Section 80-10 of the Nurse Practice Act.

12 No consideration shall be given to convictions entered
13 prior to the date of the application, where the applicant has
14 completed any sentence imposed for that conviction, including
15 any period of mandatory supervised release.

16 All proceedings to suspend, revoke, place on probationary
17 status, or take any other disciplinary action as the Department
18 may deem proper, with regard to a license on any of the
19 foregoing grounds, must be commenced within 5 years next after
20 receipt by the Department of (i) a complaint alleging the
21 commission of or notice of the conviction order for any of the
22 acts described herein or (ii) a referral for investigation
23 under Section 3-108 of the Nursing Home Care Act.

24 The entry of an order or judgment by any circuit court
25 establishing that any person holding a license under this Act
26 is a person in need of mental treatment operates as a

1 suspension of that license. That person may resume their
2 practice only upon the entry of a Department order based upon a
3 finding by the Board that they have been determined to be
4 recovered from mental illness by the court and upon the Board's
5 recommendation that they be permitted to resume their practice.

6 The Department, upon the recommendation of the Board, may
7 adopt rules which set forth standards to be used in determining
8 what constitutes:

9 (i) when a person will be deemed sufficiently
10 rehabilitated to warrant the public trust;

11 (ii) dishonorable, unethical or unprofessional conduct
12 of a character likely to deceive, defraud, or harm the
13 public;

14 (iii) immoral conduct in the commission of any act
15 related to the licensee's practice; and

16 (iv) professional incompetence in the practice of
17 nursing home administration.

18 However, no such rule shall be admissible into evidence in
19 any civil action except for review of a licensing or other
20 disciplinary action under this Act.

21 In enforcing this Section, the Department or Board, upon a
22 showing of a possible violation, may compel any individual
23 licensed to practice under this Act, or who has applied for
24 licensure pursuant to this Act, to submit to a mental or
25 physical examination, or both, as required by and at the
26 expense of the Department. The examining physician or

1 physicians shall be those specifically designated by the
2 Department or Board. The Department or Board may order the
3 examining physician to present testimony concerning this
4 mental or physical examination of the licensee or applicant. No
5 information shall be excluded by reason of any common law or
6 statutory privilege relating to communications between the
7 licensee or applicant and the examining physician. The
8 individual to be examined may have, at his or her own expense,
9 another physician of his or her choice present during all
10 aspects of the examination. Failure of any individual to submit
11 to mental or physical examination, when directed, shall be
12 grounds for suspension of his or her license until such time as
13 the individual submits to the examination if the Department
14 finds, after notice and hearing, that the refusal to submit to
15 the examination was without reasonable cause.

16 If the Department or Board finds an individual unable to
17 practice because of the reasons set forth in this Section, the
18 Department or Board shall require such individual to submit to
19 care, counseling, or treatment by physicians approved or
20 designated by the Department or Board, as a condition, term, or
21 restriction for continued, reinstated, or renewed licensure to
22 practice; or in lieu of care, counseling, or treatment, the
23 Department may file, or the Board may recommend to the
24 Department to file, a complaint to immediately suspend, revoke,
25 or otherwise discipline the license of the individual. Any
26 individual whose license was granted pursuant to this Act or

1 continued, reinstated, renewed, disciplined or supervised,
2 subject to such terms, conditions or restrictions who shall
3 fail to comply with such terms, conditions or restrictions
4 shall be referred to the Secretary for a determination as to
5 whether the licensee shall have his or her license suspended
6 immediately, pending a hearing by the Department. In instances
7 in which the Secretary immediately suspends a license under
8 this Section, a hearing upon such person's license must be
9 convened by the Board within 30 days after such suspension and
10 completed without appreciable delay. The Department and Board
11 shall have the authority to review the subject administrator's
12 record of treatment and counseling regarding the impairment, to
13 the extent permitted by applicable federal statutes and
14 regulations safeguarding the confidentiality of medical
15 records.

16 An individual licensed under this Act, affected under this
17 Section, shall be afforded an opportunity to demonstrate to the
18 Department or Board that he or she can resume practice in
19 compliance with acceptable and prevailing standards under the
20 provisions of his or her license.

21 (b) Any individual or organization acting in good faith,
22 and not in a wilful and wanton manner, in complying with this
23 Act by providing any report or other information to the
24 Department, or assisting in the investigation or preparation of
25 such information, or by participating in proceedings of the
26 Department, or by serving as a member of the Board, shall not,

1 as a result of such actions, be subject to criminal prosecution
2 or civil damages.

3 (c) Members of the Board, and persons retained under
4 contract to assist and advise in an investigation, shall be
5 indemnified by the State for any actions occurring within the
6 scope of services on or for the Board, done in good faith and
7 not wilful and wanton in nature. The Attorney General shall
8 defend all such actions unless he or she determines either that
9 there would be a conflict of interest in such representation or
10 that the actions complained of were not in good faith or were
11 wilful and wanton.

12 Should the Attorney General decline representation, a
13 person entitled to indemnification under this Section shall
14 have the right to employ counsel of his or her choice, whose
15 fees shall be provided by the State, after approval by the
16 Attorney General, unless there is a determination by a court
17 that the member's actions were not in good faith or were wilful
18 and wanton.

19 A person entitled to indemnification under this Section
20 must notify the Attorney General within 7 days of receipt of
21 notice of the initiation of any action involving services of
22 the Board. Failure to so notify the Attorney General shall
23 constitute an absolute waiver of the right to a defense and
24 indemnification.

25 The Attorney General shall determine within 7 days after
26 receiving such notice, whether he or she will undertake to

1 represent a person entitled to indemnification under this
2 Section.

3 (d) The determination by a circuit court that a licensee is
4 subject to involuntary admission or judicial admission as
5 provided in the Mental Health and Developmental Disabilities
6 Code, as amended, operates as an automatic suspension. Such
7 suspension will end only upon a finding by a court that the
8 patient is no longer subject to involuntary admission or
9 judicial admission and issues an order so finding and
10 discharging the patient; and upon the recommendation of the
11 Board to the Secretary that the licensee be allowed to resume
12 his or her practice.

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

20 (f) The Department of Public Health shall transmit to the
21 Department a list of those facilities which receive an "A"
22 violation as defined in Section 1-129 of the Nursing Home Care
23 Act.

24 (Source: P.A. 98-104, eff. 7-22-13; 98-990, eff. 8-18-14;
25 99-180, eff. 7-29-15.)

1 Section 110. The Illinois Occupational Therapy Practice
2 Act is amended by changing Section 19 as follows:

3 (225 ILCS 75/19) (from Ch. 111, par. 3719)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 19. Grounds for discipline.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand or take other
8 disciplinary or non-disciplinary action as the Department may
9 deem proper, including imposing fines not to exceed \$10,000 for
10 each violation and the assessment of costs as provided under
11 Section 19.3 of this Act, with regard to any license for any
12 one or combination of the following:

13 (1) Material misstatement in furnishing information to
14 the Department;

15 (2) Violations of this Act, or of the rules promulgated
16 thereunder;

17 (3) Conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or
19 sentencing of any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States that is
23 (i) a felony or (ii) a misdemeanor, an essential element of
24 which is dishonesty, or that is directly related to the
25 practice of the profession;

1 (4) Fraud or any misrepresentation in applying for or
2 procuring a license under this Act, or in connection with
3 applying for renewal of a license under this Act;

4 (5) Professional incompetence;

5 (6) Aiding or assisting another person, firm,
6 partnership or corporation in violating any provision of
7 this Act or rules;

8 (7) Failing, within 60 days, to provide information in
9 response to a written request made by the Department;

10 (8) Engaging in dishonorable, unethical or
11 unprofessional conduct of a character likely to deceive,
12 defraud or harm the public;

13 (9) Habitual or excessive use or abuse of drugs defined
14 in law as controlled substances, alcohol, or any other
15 substance that results in the inability to practice with
16 reasonable judgment, skill, or safety;

17 (10) Discipline by another state, unit of government,
18 government agency, the District of Columbia, a territory,
19 or foreign nation, if at least one of the grounds for the
20 discipline is the same or substantially equivalent to those
21 set forth herein;

22 (11) Directly or indirectly giving to or receiving from
23 any person, firm, corporation, partnership, or association
24 any fee, commission, rebate or other form of compensation
25 for professional services not actually or personally
26 rendered. Nothing in this paragraph (11) affects any bona

1 fide independent contractor or employment arrangements
2 among health care professionals, health facilities, health
3 care providers, or other entities, except as otherwise
4 prohibited by law. Any employment arrangements may include
5 provisions for compensation, health insurance, pension, or
6 other employment benefits for the provision of services
7 within the scope of the licensee's practice under this Act.
8 Nothing in this paragraph (11) shall be construed to
9 require an employment arrangement to receive professional
10 fees for services rendered;

11 (12) A finding by the Department that the license
12 holder, after having his license disciplined, has violated
13 the terms of the discipline;

14 (13) Wilfully making or filing false records or reports
15 in the practice of occupational therapy, including but not
16 limited to false records filed with the State agencies or
17 departments;

18 (14) Physical illness, including but not limited to,
19 deterioration through the aging process, or loss of motor
20 skill which results in the inability to practice under this
21 Act with reasonable judgment, skill, or safety;

22 (15) Solicitation of professional services other than
23 by permitted advertising;

24 (16) Allowing one's license under this Act to be used
25 by an unlicensed person in violation of this Act;

26 (17) Practicing under a false or, except as provided by

- 1 law, assumed name;
- 2 (18) Professional incompetence or gross negligence;
- 3 (19) Malpractice;
- 4 (20) Promotion of the sale of drugs, devices,
- 5 appliances, or goods provided for a patient in any manner
- 6 to exploit the client for financial gain of the licensee;
- 7 (21) Gross, willful, or continued overcharging for
- 8 professional services;
- 9 (22) Mental illness or disability that results in the
- 10 inability to practice under this Act with reasonable
- 11 judgment, skill, or safety;
- 12 (23) Violating the Health Care Worker Self-Referral
- 13 Act;
- 14 (24) Having treated patients other than by the practice
- 15 of occupational therapy as defined in this Act, or having
- 16 treated patients as a licensed occupational therapist
- 17 independent of a referral from a physician, advanced
- 18 practice nurse or physician assistant in accordance with
- 19 Section 3.1, dentist, podiatric physician, or optometrist,
- 20 or having failed to notify the physician, advanced practice
- 21 nurse, physician assistant, dentist, podiatric physician,
- 22 or optometrist who established a diagnosis that the patient
- 23 is receiving occupational therapy pursuant to that
- 24 diagnosis;
- 25 (25) Cheating on or attempting to subvert the licensing
- 26 examination administered under this Act; and

1 (26) Charging for professional services not rendered,
2 including filing false statements for the collection of
3 fees for which services are not rendered.

4 No consideration shall be given to convictions entered
5 prior to the date of the application, where the applicant has
6 completed any sentence imposed for that conviction, including
7 any period of mandatory supervised release.

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the fine
10 or in accordance with the terms set forth in the order imposing
11 the fine.

12 (b) The determination by a circuit court that a license
13 holder is subject to involuntary admission or judicial
14 admission as provided in the Mental Health and Developmental
15 Disabilities Code, as now or hereafter amended, operates as an
16 automatic suspension. Such suspension will end only upon a
17 finding by a court that the patient is no longer subject to
18 involuntary admission or judicial admission and an order by the
19 court so finding and discharging the patient. In any case where
20 a license is suspended under this provision, the licensee shall
21 file a petition for restoration and shall include evidence
22 acceptable to the Department that the licensee can resume
23 practice in compliance with acceptable and prevailing
24 standards of their profession.

25 (c) The Department may refuse to issue or may suspend
26 without hearing, as provided for in the Code of Civil

1 Procedure, the license of any person who fails to file a
2 return, to pay the tax, penalty, or interest shown in a filed
3 return, or to pay any final assessment of tax, penalty, or
4 interest as required by any tax Act administered by the
5 Illinois Department of Revenue, until such time as the
6 requirements of any such tax Act are satisfied in accordance
7 with subsection (a) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code of
9 Illinois.

10 (d) In enforcing this Section, the Department, upon a
11 showing of a possible violation, may compel any individual who
12 is licensed under this Act or any individual who has applied
13 for licensure to submit to a mental or physical examination or
14 evaluation, or both, which may include a substance abuse or
15 sexual offender evaluation, at the expense of the Department.
16 The Department shall specifically designate the examining
17 physician licensed to practice medicine in all of its branches
18 or, if applicable, the multidisciplinary team involved in
19 providing the mental or physical examination and evaluation.
20 The multidisciplinary team shall be led by a physician licensed
21 to practice medicine in all of its branches and may consist of
22 one or more or a combination of physicians licensed to practice
23 medicine in all of its branches, licensed chiropractic
24 physicians, licensed clinical psychologists, licensed clinical
25 social workers, licensed clinical professional counselors, and
26 other professional and administrative staff. Any examining

1 physician or member of the multidisciplinary team may require
2 any person ordered to submit to an examination and evaluation
3 pursuant to this Section to submit to any additional
4 supplemental testing deemed necessary to complete any
5 examination or evaluation process, including, but not limited
6 to, blood testing, urinalysis, psychological testing, or
7 neuropsychological testing.

8 The Department may order the examining physician or any
9 member of the multidisciplinary team to provide to the
10 Department any and all records, including business records,
11 that relate to the examination and evaluation, including any
12 supplemental testing performed. The Department may order the
13 examining physician or any member of the multidisciplinary team
14 to present testimony concerning this examination and
15 evaluation of the licensee or applicant, including testimony
16 concerning any supplemental testing or documents relating to
17 the examination and evaluation. No information, report,
18 record, or other documents in any way related to the
19 examination and evaluation shall be excluded by reason of any
20 common law or statutory privilege relating to communication
21 between the licensee or applicant and the examining physician
22 or any member of the multidisciplinary team. No authorization
23 is necessary from the licensee or applicant ordered to undergo
24 an evaluation and examination for the examining physician or
25 any member of the multidisciplinary team to provide
26 information, reports, records, or other documents or to provide

1 any testimony regarding the examination and evaluation. The
2 individual to be examined may have, at his or her own expense,
3 another physician of his or her choice present during all
4 aspects of the examination.

5 Failure of any individual to submit to mental or physical
6 examination or evaluation, or both, when directed, shall result
7 in an automatic suspension without hearing, until such time as
8 the individual submits to the examination. If the Department
9 finds a licensee unable to practice because of the reasons set
10 forth in this Section, the Department shall require the
11 licensee to submit to care, counseling, or treatment by
12 physicians approved or designated by the Department as a
13 condition for continued, reinstated, or renewed licensure.

14 When the Secretary immediately suspends a license under
15 this Section, a hearing upon such person's license must be
16 convened by the Department within 15 days after the suspension
17 and completed without appreciable delay. The Department shall
18 have the authority to review the licensee's record of treatment
19 and counseling regarding the impairment to the extent permitted
20 by applicable federal statutes and regulations safeguarding
21 the confidentiality of medical records.

22 Individuals licensed under this Act that are affected under
23 this Section, shall be afforded an opportunity to demonstrate
24 to the Department that they can resume practice in compliance
25 with acceptable and prevailing standards under the provisions
26 of their license.

1 (e) The Department shall deny a license or renewal
2 authorized by this Act to a person who has defaulted on an
3 educational loan or scholarship provided or guaranteed by the
4 Illinois Student Assistance Commission or any governmental
5 agency of this State in accordance with paragraph (5) of
6 subsection (a) of Section 2105-15 of the Department of
7 Professional Regulation Law of the Civil Administrative Code of
8 Illinois.

9 (f) In cases where the Department of Healthcare and Family
10 Services has previously determined a licensee or a potential
11 licensee is more than 30 days delinquent in the payment of
12 child support and has subsequently certified the delinquency to
13 the Department, the Department may refuse to issue or renew or
14 may revoke or suspend that person's license or may take other
15 disciplinary action against that person based solely upon the
16 certification of delinquency made by the Department of
17 Healthcare and Family Services in accordance with paragraph (5)
18 of subsection (a) of Section 2105-15 of the Department of
19 Professional Regulation Law of the Civil Administrative Code of
20 Illinois.

21 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;
22 98-756, eff. 7-16-14.)

23 Section 115. The Illinois Optometric Practice Act of 1987
24 is amended by changing Section 24 as follows:

1 (225 ILCS 80/24) (from Ch. 111, par. 3924)

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

3 Sec. 24. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or to renew, or may
5 revoke, suspend, place on probation, reprimand or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem appropriate, including fines not to exceed \$10,000 for
8 each violation, with regard to any license for any one or
9 combination of the causes set forth in subsection (a-3) of this
10 Section. All fines collected under this Section shall be
11 deposited in the Optometric Licensing and Disciplinary Board
12 Fund. Any fine imposed shall be payable within 60 days after
13 the effective date of the order imposing the fine.

14 (a-3) Grounds for disciplinary action include the
15 following:

16 (1) Violations of this Act, or of the rules promulgated
17 hereunder.

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

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

25 (4) Professional incompetence or gross negligence in
26 the practice of optometry.

1 (5) Gross malpractice, prima facie evidence of which
2 may be a conviction or judgment of malpractice in any court
3 of competent jurisdiction.

4 (6) Aiding or assisting another person in violating any
5 provision of this Act or rules.

6 (7) Failing, within 60 days, to provide information in
7 response to a written request made by the Department that
8 has been sent by certified or registered mail to the
9 licensee's last known address.

10 (8) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public.

13 (9) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants or any other chemical agent or drug
15 that results in the inability to practice with reasonable
16 judgment, skill, or safety.

17 (10) Discipline by another U.S. jurisdiction or
18 foreign nation, if at least one of the grounds for the
19 discipline is the same or substantially equivalent to those
20 set forth herein.

21 (11) Violation of the prohibition against fee
22 splitting in Section 24.2 of this Act.

23 (12) A finding by the Department that the licensee,
24 after having his or her license placed on probationary
25 status has violated the terms of probation.

26 (13) Abandonment of a patient.

1 (14) Willfully making or filing false records or
2 reports in his or her practice, including but not limited
3 to false records filed with State agencies or departments.

4 (15) Willfully failing to report an instance of
5 suspected abuse or neglect as required by law.

6 (16) Physical illness, including but not limited to,
7 deterioration through the aging process, or loss of motor
8 skill, mental illness, or disability that results in the
9 inability to practice the profession with reasonable
10 judgment, skill, or safety.

11 (17) Solicitation of professional services other than
12 permitted advertising.

13 (18) Failure to provide a patient with a copy of his or
14 her record or prescription in accordance with federal law.

15 (19) Conviction by any court of competent
16 jurisdiction, either within or without this State, of any
17 violation of any law governing the practice of optometry,
18 conviction in this or another State of any crime that is a
19 felony under the laws of this State or conviction of a
20 felony in a federal court, if the Department determines,
21 after investigation, that such person has not been
22 sufficiently rehabilitated to warrant the public trust.

23 (20) A finding that licensure has been applied for or
24 obtained by fraudulent means.

25 (21) Continued practice by a person knowingly having an
26 infectious or contagious disease.

1 (22) Being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 under the Abused and Neglected Child Reporting Act, and
4 upon proof by clear and convincing evidence that the
5 licensee has caused a child to be an abused child or a
6 neglected child as defined in the Abused and Neglected
7 Child Reporting Act.

8 (23) Practicing or attempting to practice under a name
9 other than the full name as shown on his or her license.

10 (24) Immoral conduct in the commission of any act, such
11 as sexual abuse, sexual misconduct or sexual exploitation,
12 related to the licensee's practice.

13 (25) Maintaining a professional relationship with any
14 person, firm, or corporation when the optometrist knows, or
15 should know, that such person, firm, or corporation is
16 violating this Act.

17 (26) Promotion of the sale of drugs, devices,
18 appliances or goods provided for a client or patient in
19 such manner as to exploit the patient or client for
20 financial gain of the licensee.

21 (27) Using the title "Doctor" or its abbreviation
22 without further qualifying that title or abbreviation with
23 the word "optometry" or "optometrist".

24 (28) Use by a licensed optometrist of the word
25 "infirmary", "hospital", "school", "university", in
26 English or any other language, in connection with the place

1 where optometry may be practiced or demonstrated unless the
2 licensee is employed by and practicing at a location that
3 is licensed as a hospital or accredited as a school or
4 university.

5 (29) Continuance of an optometrist in the employ of any
6 person, firm or corporation, or as an assistant to any
7 optometrist or optometrists, directly or indirectly, after
8 his or her employer or superior has been found guilty of
9 violating or has been enjoined from violating the laws of
10 the State of Illinois relating to the practice of
11 optometry, when the employer or superior persists in that
12 violation.

13 (30) The performance of optometric service in
14 conjunction with a scheme or plan with another person, firm
15 or corporation known to be advertising in a manner contrary
16 to this Act or otherwise violating the laws of the State of
17 Illinois concerning the practice of optometry.

18 (31) Failure to provide satisfactory proof of having
19 participated in approved continuing education programs as
20 determined by the Board and approved by the Secretary.
21 Exceptions for extreme hardships are to be defined by the
22 rules of the Department.

23 (32) Willfully making or filing false records or
24 reports in the practice of optometry, including, but not
25 limited to false records to support claims against the
26 medical assistance program of the Department of Healthcare

1 and Family Services (formerly Department of Public Aid)
2 under the Illinois Public Aid Code.

3 (33) Gross and willful overcharging for professional
4 services including filing false statements for collection
5 of fees for which services are not rendered, including, but
6 not limited to filing false statements for collection of
7 monies for services not rendered from the medical
8 assistance program of the Department of Healthcare and
9 Family Services (formerly Department of Public Aid) under
10 the Illinois Public Aid Code.

11 (34) In the absence of good reasons to the contrary,
12 failure to perform a minimum eye examination as required by
13 the rules of the Department.

14 (35) Violation of the Health Care Worker Self-Referral
15 Act.

16 No consideration shall be given to convictions entered
17 prior to the date of the application, where the applicant has
18 completed any sentence imposed for that conviction, including
19 any period of mandatory supervised release.

20 The Department shall refuse to issue or shall suspend the
21 license of any person who fails to file a return, or to pay the
22 tax, penalty or interest shown in a filed return, or to pay any
23 final assessment of the tax, penalty or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue, until such time as the requirements of any such tax
26 Act are satisfied.

1 (a-5) In enforcing this Section, the Board or Department,
2 upon a showing of a possible violation, may compel any
3 individual licensed to practice under this Act, or who has
4 applied for licensure or certification pursuant to this Act, to
5 submit to a mental or physical examination, or both, as
6 required by and at the expense of the Department. The examining
7 physicians or clinical psychologists shall be those
8 specifically designated by the Department. The Board or the
9 Department may order the examining physician or clinical
10 psychologist to present testimony concerning this mental or
11 physical examination of the licensee or applicant. No
12 information shall be excluded by reason of any common law or
13 statutory privilege relating to communications between the
14 licensee or applicant and the examining physician or clinical
15 psychologist. Eye examinations may be provided by a licensed
16 optometrist. The individual to be examined may have, at his or
17 her own expense, another physician of his or her choice present
18 during all aspects of the examination. Failure of any
19 individual to submit to a mental or physical examination, when
20 directed, shall be grounds for suspension of a license until
21 such time as the individual submits to the examination if the
22 Board or Department finds, after notice and hearing, that the
23 refusal to submit to the examination was without reasonable
24 cause.

25 If the Board or Department finds an individual unable to
26 practice because of the reasons set forth in this Section, the

1 Board or Department shall require such individual to submit to
2 care, counseling, or treatment by physicians or clinical
3 psychologists approved or designated by the Department, as a
4 condition, term, or restriction for continued, reinstated, or
5 renewed licensure to practice, or in lieu of care, counseling,
6 or treatment, the Board may recommend to the Department to file
7 a complaint to immediately suspend, revoke, or otherwise
8 discipline the license of the individual, or the Board may
9 recommend to the Department to file a complaint to suspend,
10 revoke, or otherwise discipline the license of the individual.
11 Any individual whose license was granted pursuant to this Act,
12 or continued, reinstated, renewed, disciplined, or supervised,
13 subject to such conditions, terms, or restrictions, who shall
14 fail to comply with such conditions, terms, or restrictions,
15 shall be referred to the Secretary for a determination as to
16 whether the individual shall have his or her license suspended
17 immediately, pending a hearing by the Board.

18 (b) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code operates as an automatic suspension. The suspension will
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission
24 and issues an order so finding and discharging the patient; and
25 upon the recommendation of the Board to the Secretary that the
26 licensee be allowed to resume his or her practice.

1 (Source: P.A. 99-43, eff. 1-1-16; 99-909, eff. 1-1-17.)

2 Section 120. The Orthotics, Prosthetics, and Pedorthics
3 Practice Act is amended by changing Section 90 as follows:

4 (225 ILCS 84/90)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 90. Grounds for discipline.

7 (a) The Department may refuse to issue or renew a license,
8 or may revoke or suspend a license, or may suspend, place on
9 probation, or reprimand a licensee or take other disciplinary
10 or non-disciplinary action as the Department may deem proper,
11 including, but not limited to, the imposition of fines not to
12 exceed \$10,000 for each violation for one or any combination of
13 the following:

14 (1) Making a material misstatement in furnishing
15 information to the Department or the Board.

16 (2) Violations of or negligent or intentional
17 disregard of this Act or its rules.

18 (3) Conviction of, or entry of a plea of guilty or nolo
19 contendere to any crime that is a felony under the laws of
20 the United States or any state or territory thereof or that
21 is a misdemeanor of which an essential element is
22 dishonesty, or any crime that is directly related to the
23 practice of the profession.

24 (4) Making a misrepresentation for the purpose of

1 obtaining a license.

2 (5) A pattern of practice or other behavior that
3 demonstrates incapacity or incompetence to practice under
4 this Act.

5 (6) Gross negligence under this Act.

6 (7) Aiding or assisting another person in violating a
7 provision of this Act or its rules.

8 (8) Failing to provide information within 60 days in
9 response to a written request made by the Department.

10 (9) Engaging in dishonorable, unethical, or
11 unprofessional conduct or conduct of a character likely to
12 deceive, defraud, or harm the public.

13 (10) Inability to practice with reasonable judgment,
14 skill, or safety as a result of habitual or excessive use
15 or addiction to alcohol, narcotics, stimulants, or any
16 other chemical agent or drug.

17 (11) Discipline by another state or territory of the
18 United States, the federal government, or foreign nation,
19 if at least one of the grounds for the discipline is the
20 same or substantially equivalent to one set forth in this
21 Section.

22 (12) Directly or indirectly giving to or receiving from
23 a person, firm, corporation, partnership, or association a
24 fee, commission, rebate, or other form of compensation for
25 professional services not actually or personally rendered.
26 Nothing in this paragraph (12) affects any bona fide

1 independent contractor or employment arrangements among
2 health care professionals, health facilities, health care
3 providers, or other entities, except as otherwise
4 prohibited by law. Any employment arrangements may include
5 provisions for compensation, health insurance, pension, or
6 other employment benefits for the provision of services
7 within the scope of the licensee's practice under this Act.
8 Nothing in this paragraph (12) shall be construed to
9 require an employment arrangement to receive professional
10 fees for services rendered.

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

14 (14) Abandonment of a patient or client.

15 (15) Willfully making or filing false records or
16 reports in his or her practice including, but not limited
17 to, false records filed with State agencies or departments.

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

21 (17) Inability to practice the profession with
22 reasonable judgment, skill, or safety as a result of a
23 physical illness, including, but not limited to,
24 deterioration through the aging process or loss of motor
25 skill, or a mental illness or disability.

26 (18) Solicitation of professional services using false

1 or misleading advertising.

2 No consideration shall be given to convictions entered
3 prior to the date of the application, where the applicant has
4 completed any sentence imposed for that conviction, including
5 any period of mandatory supervised release.

6 (b) In enforcing this Section, the Department or Board upon
7 a showing of a possible violation, may compel a licensee or
8 applicant to submit to a mental or physical examination, or
9 both, as required by and at the expense of the Department. The
10 Department or Board may order the examining physician to
11 present testimony concerning the mental or physical
12 examination of the licensee or applicant. No information shall
13 be excluded by reason of any common law or statutory privilege
14 relating to communications between the licensee or applicant
15 and the examining physician. The examining physicians shall be
16 specifically designated by the Board or Department. The
17 individual to be examined may have, at his or her own expense,
18 another physician of his or her choice present during all
19 aspects of this examination. Failure of an individual to submit
20 to a mental or physical examination, when directed, shall be
21 grounds for the immediate suspension of his or her license
22 until the individual submits to the examination if the
23 Department finds that the refusal to submit to the examination
24 was without reasonable cause as defined by rule.

25 In instances in which the Secretary immediately suspends a
26 person's license for his or her failure to submit to a mental

1 or physical examination, when directed, a hearing on that
2 person's license must be convened by the Department within 15
3 days after the suspension and completed without appreciable
4 delay.

5 In instances in which the Secretary otherwise suspends a
6 person's license pursuant to the results of a compelled mental
7 or physical examination, a hearing on that person's license
8 must be convened by the Department within 15 days after the
9 suspension and completed without appreciable delay. The
10 Department and Board shall have the authority to review the
11 subject individual's record of treatment and counseling
12 regarding the impairment to the extent permitted by applicable
13 federal statutes and regulations safeguarding the
14 confidentiality of medical records.

15 An individual licensed under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate to
17 the Department or Board that he or she can resume practice in
18 compliance with acceptable and prevailing standards under the
19 provisions of his or her license.

20 (c) The Department shall deny a license or renewal
21 authorized by this Act to a person who has defaulted on an
22 educational loan or scholarship provided or guaranteed by the
23 Illinois Student Assistance Commission or any governmental
24 agency of this State in accordance with subsection (a)(5) of
25 Section 2105-15 of the Department of Professional Regulation
26 Law of the Civil Administrative Code of Illinois (20 ILCS

1 2105/2105-15).

2 (d) In cases where the Department of Healthcare and Family
3 Services (formerly Department of Public Aid) has previously
4 determined that a licensee or a potential licensee is more than
5 30 days delinquent in the payment of child support and has
6 subsequently certified the delinquency to the Department, the
7 Department may refuse to issue or renew or may revoke or
8 suspend that person's license or may take other disciplinary
9 action against that person based solely upon the certification
10 of delinquency made by the Department of Healthcare and Family
11 Services in accordance with subsection (a)(5) of Section
12 2105-15 of the Department of Professional Regulation Law of the
13 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

14 (e) The Department may refuse to issue or renew a license,
15 or may revoke or suspend a license, for failure to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Department of Revenue, until such time as the requirements of
20 the tax Act are satisfied in accordance with subsection (g) of
21 Section 2105-15 of the Department of Professional Regulation
22 Law of the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15).

24 (Source: P.A. 98-756, eff. 7-16-14.)

25 Section 125. The Pharmacy Practice Act is amended by

1 changing Section 30 as follows:

2 (225 ILCS 85/30) (from Ch. 111, par. 4150)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 30. Refusal, revocation, or suspension.

5 (a) The Department may refuse to issue or renew, or may
6 revoke a license or registration, or may suspend, place on
7 probation, fine, or take any disciplinary or non-disciplinary
8 action as the Department may deem proper, including fines not
9 to exceed \$10,000 for each violation, with regard to any
10 licensee or registrant for any one or combination of the
11 following causes:

12 1. Material misstatement in furnishing information to
13 the Department.

14 2. Violations of this Act, or the rules promulgated
15 hereunder.

16 3. Making any misrepresentation for the purpose of
17 obtaining licenses.

18 4. A pattern of conduct which demonstrates
19 incompetence or unfitness to practice.

20 5. Aiding or assisting another person in violating any
21 provision of this Act or rules.

22 6. Failing, within 60 days, to respond to a written
23 request made by the Department for information.

24 7. Engaging in unprofessional, dishonorable, or
25 unethical conduct of a character likely to deceive, defraud

1 or harm the public.

2 8. Discipline by another U.S. jurisdiction or foreign
3 nation, if at least one of the grounds for the discipline
4 is the same or substantially equivalent to those set forth
5 herein.

6 9. Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate or other form of compensation
9 for any professional services not actually or personally
10 rendered. Nothing in this item 9 affects any bona fide
11 independent contractor or employment arrangements among
12 health care professionals, health facilities, health care
13 providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this Act.
18 Nothing in this item 9 shall be construed to require an
19 employment arrangement to receive professional fees for
20 services rendered.

21 10. A finding by the Department that the licensee,
22 after having his license placed on probationary status has
23 violated the terms of probation.

24 11. Selling or engaging in the sale of drug samples
25 provided at no cost by drug manufacturers.

26 12. Physical illness, including but not limited to,

1 deterioration through the aging process, or loss of motor
2 skill which results in the inability to practice the
3 profession with reasonable judgment, skill or safety.

4 13. A finding that licensure or registration has been
5 applied for or obtained by fraudulent means.

6 14. The applicant or licensee has been convicted in
7 state or federal court of or entered a plea of guilty, nolo
8 contendere, or the equivalent in a state or federal court
9 to any crime which is a felony or any misdemeanor related
10 to the practice of pharmacy or which an essential element
11 is dishonesty.

12 15. Habitual or excessive use or addiction to alcohol,
13 narcotics, stimulants or any other chemical agent or drug
14 which results in the inability to practice with reasonable
15 judgment, skill or safety.

16 16. Willfully making or filing false records or reports
17 in the practice of pharmacy, including, but not limited to
18 false records to support claims against the medical
19 assistance program of the Department of Healthcare and
20 Family Services (formerly Department of Public Aid) under
21 the Public Aid Code.

22 17. Gross and willful overcharging for professional
23 services including filing false statements for collection
24 of fees for which services are not rendered, including, but
25 not limited to, filing false statements for collection of
26 monies for services not rendered from the medical

1 assistance program of the Department of Healthcare and
2 Family Services (formerly Department of Public Aid) under
3 the Public Aid Code.

4 18. Dispensing prescription drugs without receiving a
5 written or oral prescription in violation of law.

6 19. Upon a finding of a substantial discrepancy in a
7 Department audit of a prescription drug, including
8 controlled substances, as that term is defined in this Act
9 or in the Illinois Controlled Substances Act.

10 20. Physical or mental illness or any other impairment
11 or disability, including without limitation deterioration
12 through the aging process or loss of motor skills that
13 results in the inability to practice with reasonable
14 judgment, skill or safety, or mental incompetence, as
15 declared by a court of competent jurisdiction.

16 21. Violation of the Health Care Worker Self-Referral
17 Act.

18 22. Failing to sell or dispense any drug, medicine, or
19 poison in good faith. "Good faith", for the purposes of
20 this Section, has the meaning ascribed to it in subsection
21 (u) of Section 102 of the Illinois Controlled Substances
22 Act. "Good faith", as used in this item (22), shall not be
23 limited to the sale or dispensing of controlled substances,
24 but shall apply to all prescription drugs.

25 23. Interfering with the professional judgment of a
26 pharmacist by any registrant under this Act, or his or her

1 agents or employees.

2 24. Failing to report within 60 days to the Department
3 any adverse final action taken against a pharmacist,
4 pharmacist technician, or certified pharmacist technician
5 by another licensing jurisdiction in any other state or any
6 territory of the United States or any foreign jurisdiction,
7 any governmental agency, any law enforcement agency, or any
8 court for acts or conduct similar to acts or conduct that
9 would constitute grounds for discipline as defined in this
10 Section.

11 25. Failing to comply with a subpoena issued in
12 accordance with Section 35.5 of this Act.

13 26. Disclosing protected health information in
14 violation of any State or federal law.

15 No consideration shall be given to convictions entered
16 prior to the date of the application, where the applicant has
17 completed any sentence imposed for that conviction, including
18 any period of mandatory supervised release.

19 (b) The Department may refuse to issue or may suspend the
20 license or registration of any person who fails to file a
21 return, or to pay the tax, penalty or interest shown in a filed
22 return, or to pay any final assessment of tax, penalty or
23 interest, as required by any tax Act administered by the
24 Illinois Department of Revenue, until such time as the
25 requirements of any such tax Act are satisfied.

26 (c) The Department shall revoke the license or certificate

1 of registration issued under the provisions of this Act or any
2 prior Act of this State of any person who has been convicted a
3 second time of committing any felony under the Illinois
4 Controlled Substances Act, or who has been convicted a second
5 time of committing a Class 1 felony under Sections 8A-3 and
6 8A-6 of the Illinois Public Aid Code. A person whose license or
7 certificate of registration issued under the provisions of this
8 Act or any prior Act of this State is revoked under this
9 subsection (c) shall be prohibited from engaging in the
10 practice of pharmacy in this State.

11 (d) Fines may be imposed in conjunction with other forms of
12 disciplinary action, but shall not be the exclusive disposition
13 of any disciplinary action arising out of conduct resulting in
14 death or injury to a patient. Fines shall be paid within 60
15 days or as otherwise agreed to by the Department. Any funds
16 collected from such fines shall be deposited in the Illinois
17 State Pharmacy Disciplinary Fund.

18 (e) The entry of an order or judgment by any circuit court
19 establishing that any person holding a license or certificate
20 under this Act is a person in need of mental treatment operates
21 as a suspension of that license. A licensee may resume his or
22 her practice only upon the entry of an order of the Department
23 based upon a finding by the Board that he or she has been
24 determined to be recovered from mental illness by the court and
25 upon the Board's recommendation that the licensee be permitted
26 to resume his or her practice.

1 (f) The Department shall issue quarterly to the Board a
2 status of all complaints related to the profession received by
3 the Department.

4 (g) In enforcing this Section, the Board or the Department,
5 upon a showing of a possible violation, may compel any licensee
6 or applicant for licensure under this Act to submit to a mental
7 or physical examination or both, as required by and at the
8 expense of the Department. The examining physician, or
9 multidisciplinary team involved in providing physical and
10 mental examinations led by a physician consisting of one or a
11 combination of licensed physicians, licensed clinical
12 psychologists, licensed clinical social workers, licensed
13 clinical professional counselors, and other professional and
14 administrative staff, shall be those specifically designated
15 by the Department. The Board or the Department may order the
16 examining physician or any member of the multidisciplinary team
17 to present testimony concerning this mental or physical
18 examination of the licensee or applicant. No information,
19 report, or other documents in any way related to the
20 examination shall be excluded by reason of any common law or
21 statutory privilege relating to communication between the
22 licensee or applicant and the examining physician or any member
23 of the multidisciplinary team. The individual to be examined
24 may have, at his or her own expense, another physician of his
25 or her choice present during all aspects of the examination.
26 Failure of any individual to submit to a mental or physical

1 examination when directed shall be grounds for suspension of
2 his or her license until such time as the individual submits to
3 the examination if the Board finds, after notice and hearing,
4 that the refusal to submit to the examination was without
5 reasonable cause. If the Board finds a pharmacist, certified
6 pharmacy technician, or pharmacy technician unable to practice
7 because of the reasons set forth in this Section, the Board
8 shall require such pharmacist, certified pharmacy technician,
9 or pharmacy technician to submit to care, counseling, or
10 treatment by physicians or other appropriate health care
11 providers approved or designated by the Board as a condition
12 for continued, reinstated, or renewed licensure to practice.
13 Any pharmacist, certified pharmacy technician, or pharmacy
14 technician whose license was granted, continued, reinstated,
15 renewed, disciplined, or supervised, subject to such terms,
16 conditions, or restrictions, and who fails to comply with such
17 terms, conditions, or restrictions or to complete a required
18 program of care, counseling, or treatment, as determined by the
19 chief pharmacy coordinator or a deputy pharmacy coordinator,
20 shall be referred to the Secretary for a determination as to
21 whether the licensee shall have his or her license suspended
22 immediately, pending a hearing by the Board. In instances in
23 which the Secretary immediately suspends a license under this
24 subsection (g), a hearing upon such person's license must be
25 convened by the Board within 15 days after such suspension and
26 completed without appreciable delay. The Board shall have the

1 authority to review the subject pharmacist's, certified
2 pharmacy technician's, or pharmacy technician's record of
3 treatment and counseling regarding the impairment.

4 (Source: P.A. 95-331, eff. 8-21-07; 95-689, eff. 10-29-07;
5 96-673, eff. 1-1-10; 96-1482, eff. 11-29-10.)

6 Section 130. The Illinois Physical Therapy Act is amended
7 by changing Section 17 as follows:

8 (225 ILCS 90/17) (from Ch. 111, par. 4267)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 17. (1) The Department may refuse to issue or to
11 renew, or may revoke, suspend, place on probation, reprimand,
12 or take other disciplinary action as the Department deems
13 appropriate, including the issuance of fines not to exceed
14 \$5000, with regard to a license for any one or a combination of
15 the following:

16 A. Material misstatement in furnishing information to
17 the Department or otherwise making misleading, deceptive,
18 untrue, or fraudulent representations in violation of this
19 Act or otherwise in the practice of the profession;

20 B. Violations of this Act, or of the rules or
21 regulations promulgated hereunder;

22 C. Conviction of any crime under the laws of the United
23 States or any state or territory thereof which is a felony
24 or which is a misdemeanor, an essential element of which is

1 dishonesty, or of any crime which is directly related to
2 the practice of the profession; conviction, as used in this
3 paragraph, shall include a finding or verdict of guilty, an
4 admission of guilt or a plea of nolo contendere;

5 D. Making any misrepresentation for the purpose of
6 obtaining licenses, or violating any provision of this Act
7 or the rules promulgated thereunder pertaining to
8 advertising;

9 E. A pattern of practice or other behavior which
10 demonstrates incapacity or incompetency to practice under
11 this Act;

12 F. Aiding or assisting another person in violating any
13 provision of this Act or Rules;

14 G. Failing, within 60 days, to provide information in
15 response to a written request made by the Department;

16 H. Engaging in dishonorable, unethical or
17 unprofessional conduct of a character likely to deceive,
18 defraud or harm the public. Unprofessional conduct shall
19 include any departure from or the failure to conform to the
20 minimal standards of acceptable and prevailing physical
21 therapy practice, in which proceeding actual injury to a
22 patient need not be established;

23 I. Unlawful distribution of any drug or narcotic, or
24 unlawful conversion of any drug or narcotic not belonging
25 to the person for such person's own use or benefit or for
26 other than medically accepted therapeutic purposes;

1 J. Habitual or excessive use or addiction to alcohol,
2 narcotics, stimulants, or any other chemical agent or drug
3 which results in a physical therapist's or physical
4 therapist assistant's inability to practice with
5 reasonable judgment, skill or safety;

6 K. Revocation or suspension of a license to practice
7 physical therapy as a physical therapist or physical
8 therapist assistant or the taking of other disciplinary
9 action by the proper licensing authority of another state,
10 territory or country;

11 L. Directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate or other form of compensation
14 for any professional services not actually or personally
15 rendered. Nothing contained in this paragraph prohibits
16 persons holding valid and current licenses under this Act
17 from practicing physical therapy in partnership under a
18 partnership agreement, including a limited liability
19 partnership, a limited liability company, or a corporation
20 under the Professional Service Corporation Act or from
21 pooling, sharing, dividing, or apportioning the fees and
22 monies received by them or by the partnership, company, or
23 corporation in accordance with the partnership agreement
24 or the policies of the company or professional corporation.
25 Nothing in this paragraph (L) affects any bona fide
26 independent contractor or employment arrangements among

1 health care professionals, health facilities, health care
2 providers, or other entities, except as otherwise
3 prohibited by law. Any employment arrangements may include
4 provisions for compensation, health insurance, pension, or
5 other employment benefits for the provision of services
6 within the scope of the licensee's practice under this Act.
7 Nothing in this paragraph (L) shall be construed to require
8 an employment arrangement to receive professional fees for
9 services rendered;

10 M. A finding by the Board that the licensee after
11 having his or her license placed on probationary status has
12 violated the terms of probation;

13 N. Abandonment of a patient;

14 O. Willfully failing to report an instance of suspected
15 child abuse or neglect as required by the Abused and
16 Neglected Child Reporting Act;

17 P. Willfully failing to report an instance of suspected
18 elder abuse or neglect as required by the Elder Abuse
19 Reporting Act;

20 Q. Physical illness, including but not limited to,
21 deterioration through the aging process, or loss of motor
22 skill which results in the inability to practice the
23 profession with reasonable judgement, skill or safety;

24 R. The use of any words (such as physical therapy,
25 physical therapist physiotherapy or physiotherapist),
26 abbreviations, figures or letters with the intention of

1 indicating practice as a licensed physical therapist
2 without a valid license as a physical therapist issued
3 under this Act;

4 S. The use of the term physical therapist assistant, or
5 abbreviations, figures, or letters with the intention of
6 indicating practice as a physical therapist assistant
7 without a valid license as a physical therapist assistant
8 issued under this Act;

9 T. Willfully violating or knowingly assisting in the
10 violation of any law of this State relating to the practice
11 of abortion;

12 U. Continued practice by a person knowingly having an
13 infectious, communicable or contagious disease;

14 V. Having treated ailments of human beings otherwise
15 than by the practice of physical therapy as defined in this
16 Act, or having treated ailments of human beings as a
17 licensed physical therapist independent of a documented
18 referral or a documented current and relevant diagnosis
19 from a physician, dentist, advanced practice nurse,
20 physician assistant, or podiatric physician, or having
21 failed to notify the physician, dentist, advanced practice
22 nurse, physician assistant, or podiatric physician who
23 established a documented current and relevant diagnosis
24 that the patient is receiving physical therapy pursuant to
25 that diagnosis;

26 W. Being named as a perpetrator in an indicated report

1 by the Department of Children and Family Services pursuant
2 to the Abused and Neglected Child Reporting Act, and upon
3 proof by clear and convincing evidence that the licensee
4 has caused a child to be an abused child or neglected child
5 as defined in the Abused and Neglected Child Reporting Act;

6 X. Interpretation of referrals, performance of
7 evaluation procedures, planning or making major
8 modifications of patient programs by a physical therapist
9 assistant;

10 Y. Failure by a physical therapist assistant and
11 supervising physical therapist to maintain continued
12 contact, including periodic personal supervision and
13 instruction, to insure safety and welfare of patients;

14 Z. Violation of the Health Care Worker Self-Referral
15 Act.

16 No consideration shall be given to convictions entered
17 prior to the date of the application, where the applicant has
18 completed any sentence imposed for that conviction, including
19 any period of mandatory supervised release.

20 (2) The determination by a circuit court that a licensee is
21 subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code operates as an automatic suspension. Such suspension will
24 end only upon a finding by a court that the patient is no
25 longer subject to involuntary admission or judicial admission
26 and the issuance of an order so finding and discharging the

1 patient; and upon the recommendation of the Board to the
2 Director that the licensee be allowed to resume his practice.

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

10 (Source: P.A. 98-214, eff. 8-9-13.)

11 Section 135. The Physician Assistant Practice Act of 1987
12 is amended by changing Section 21 as follows:

13 (225 ILCS 95/21) (from Ch. 111, par. 4621)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 21. Grounds for disciplinary action.

16 (a) The Department may refuse to issue or to renew, or may
17 revoke, suspend, place on probation, censure or reprimand, or
18 take other disciplinary or non-disciplinary action with regard
19 to any license issued under this Act as the Department may deem
20 proper, including the issuance of fines not to exceed \$10,000
21 for each violation, for any one or combination of the following
22 causes:

23 (1) Material misstatement in furnishing information to
24 the Department.

1 (2) Violations of this Act, or the rules adopted under
2 this Act.

3 (3) Conviction of or entry of a plea of guilty or nolo
4 contendere to any crime that is a felony under the laws of
5 the United States or any state or territory thereof or that
6 is a misdemeanor of which an essential element is
7 dishonesty or that is directly related to the practice of
8 the profession.

9 (4) Making any misrepresentation for the purpose of
10 obtaining licenses.

11 (5) Professional incompetence.

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

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

16 (8) Engaging in dishonorable, unethical, or
17 unprofessional conduct, as defined by rule, of a character
18 likely to deceive, defraud, or harm the public.

19 (9) Habitual or excessive use or addiction to alcohol,
20 narcotics, stimulants, or any other chemical agent or drug
21 that results in a physician assistant's inability to
22 practice with reasonable judgment, skill, or safety.

23 (10) Discipline by another U.S. jurisdiction or
24 foreign nation, if at least one of the grounds for
25 discipline is the same or substantially equivalent to those
26 set forth in this Section.

1 (11) Directly or indirectly giving to or receiving from
2 any person, firm, corporation, partnership, or association
3 any fee, commission, rebate or other form of compensation
4 for any professional services not actually or personally
5 rendered. Nothing in this paragraph (11) affects any bona
6 fide independent contractor or employment arrangements,
7 which may include provisions for compensation, health
8 insurance, pension, or other employment benefits, with
9 persons or entities authorized under this Act for the
10 provision of services within the scope of the licensee's
11 practice under this Act.

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

15 (13) Abandonment of a patient.

16 (14) Willfully making or filing false records or
17 reports in his or her practice, including but not limited
18 to false records filed with state agencies or departments.

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

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

1 (17) Being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 under the Abused and Neglected Child Reporting Act, and
4 upon proof by clear and convincing evidence that the
5 licensee has caused a child to be an abused child or
6 neglected child as defined in the Abused and Neglected
7 Child Reporting Act.

8 (18) (Blank).

9 (19) Gross negligence resulting in permanent injury or
10 death of a patient.

11 (20) Employment of fraud, deception or any unlawful
12 means in applying for or securing a license as a physician
13 assistant.

14 (21) Exceeding the authority delegated to him or her by
15 his or her supervising physician in a written supervision
16 agreement.

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

20 (23) Violation of the Health Care Worker Self-Referral
21 Act.

22 (24) Practicing under a false or assumed name, except
23 as provided by law.

24 (25) Making a false or misleading statement regarding
25 his or her skill or the efficacy or value of the medicine,
26 treatment, or remedy prescribed by him or her in the course

1 of treatment.

2 (26) Allowing another person to use his or her license
3 to practice.

4 (27) Prescribing, selling, administering,
5 distributing, giving, or self-administering a drug
6 classified as a controlled substance (designated product)
7 or narcotic for other than medically-accepted therapeutic
8 purposes.

9 (28) Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in a manner to
11 exploit the patient for financial gain.

12 (29) A pattern of practice or other behavior that
13 demonstrates incapacity or incompetence to practice under
14 this Act.

15 (30) Violating State or federal laws or regulations
16 relating to controlled substances or other legend drugs.

17 (31) Exceeding the prescriptive authority delegated by
18 the supervising physician or violating the written
19 supervision agreement delegating that authority.

20 (32) Practicing without providing to the Department a
21 notice of supervision or delegation of prescriptive
22 authority.

23 No consideration shall be given to convictions entered
24 prior to the date of the application, where the applicant has
25 completed any sentence imposed for that conviction, including
26 any period of mandatory supervised release.

1 (b) The Department may, without a hearing, refuse to issue
2 or renew or may suspend the license of any person who fails to
3 file a return, or to pay the tax, penalty or interest shown in
4 a filed return, or to pay any final assessment of the tax,
5 penalty, or interest as required by any tax Act administered by
6 the Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied.

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

18 (d) In enforcing this Section, the Department upon a
19 showing of a possible violation may compel an individual
20 licensed to practice under this Act, or who has applied for
21 licensure under this Act, to submit to a mental or physical
22 examination, or both, as required by and at the expense of the
23 Department. The Department may order the examining physician to
24 present testimony concerning the mental or physical
25 examination of the licensee or applicant. No information shall
26 be excluded by reason of any common law or statutory privilege

1 relating to communications between the licensee or applicant
2 and the examining physician. The examining physicians shall be
3 specifically designated by the Department. The individual to be
4 examined may have, at his or her own expense, another physician
5 of his or her choice present during all aspects of this
6 examination. Failure of an individual to submit to a mental or
7 physical examination, when directed, shall be grounds for
8 suspension of his or her license until the individual submits
9 to the examination if the Department finds, after notice and
10 hearing, that the refusal to submit to the examination was
11 without reasonable cause.

12 If the Department finds an individual unable to practice
13 because of the reasons set forth in this Section, the
14 Department may require that individual to submit to care,
15 counseling, or treatment by physicians approved or designated
16 by the Department, as a condition, term, or restriction for
17 continued, reinstated, or renewed licensure to practice; or, in
18 lieu of care, counseling, or treatment, the Department may file
19 a complaint to immediately suspend, revoke, or otherwise
20 discipline the license of the individual. An individual whose
21 license was granted, continued, reinstated, renewed,
22 disciplined, or supervised subject to such terms, conditions,
23 or restrictions, and who fails to comply with such terms,
24 conditions, or restrictions, shall be referred to the Secretary
25 for a determination as to whether the individual shall have his
26 or her license suspended immediately, pending a hearing by the

1 Department.

2 In instances in which the Secretary immediately suspends a
3 person's license under this Section, a hearing on that person's
4 license must be convened by the Department within 30 days after
5 the suspension and completed without appreciable delay. The
6 Department shall have the authority to review the subject
7 individual's record of treatment and counseling regarding the
8 impairment to the extent permitted by applicable federal
9 statutes and regulations safeguarding the confidentiality of
10 medical records.

11 An individual licensed under this Act and affected under
12 this Section shall be afforded an opportunity to demonstrate to
13 the Department that he or she can resume practice in compliance
14 with acceptable and prevailing standards under the provisions
15 of his or her license.

16 (Source: P.A. 95-703, eff. 12-31-07; 96-268, eff. 8-11-09;
17 96-1482, eff. 11-29-10.)

18 Section 140. The Podiatric Medical Practice Act of 1987 is
19 amended by changing Section 24 as follows:

20 (225 ILCS 100/24) (from Ch. 111, par. 4824)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 24. Grounds for disciplinary action. The Department
23 may refuse to issue, may refuse to renew, may refuse to
24 restore, may suspend, or may revoke any license, or may place

1 on probation, reprimand or take other disciplinary or
2 non-disciplinary action as the Department may deem proper,
3 including fines not to exceed \$10,000 for each violation upon
4 anyone licensed under this Act for any of the following
5 reasons:

6 (1) Making a material misstatement in furnishing
7 information to the Department.

8 (2) Violations of this Act, or of the rules or
9 regulations promulgated hereunder.

10 (3) Conviction of or entry of a plea of guilty or nolo
11 contendere to any crime that is a felony under the laws of
12 the United States or any state or territory of the United
13 States that is a misdemeanor, of which an essential element
14 is dishonesty, or of any crime that is directly related to
15 the practice of the profession.

16 (4) Making any misrepresentation for the purpose of
17 obtaining licenses, or violating any provision of this Act
18 or the rules promulgated thereunder pertaining to
19 advertising.

20 (5) Professional incompetence.

21 (6) Gross or repeated malpractice or negligence.

22 (7) Aiding or assisting another person in violating any
23 provision of this Act or rules.

24 (8) Failing, within 30 days, to provide information in
25 response to a written request made by the Department.

26 (9) Engaging in dishonorable, unethical or

1 unprofessional conduct of a character likely to deceive,
2 defraud or harm the public.

3 (10) Habitual or excessive use of alcohol, narcotics,
4 stimulants or other chemical agent or drug that results in
5 the inability to practice podiatric medicine with
6 reasonable judgment, skill or safety.

7 (11) Discipline by another United States jurisdiction
8 if at least one of the grounds for the discipline is the
9 same or substantially equivalent to those set forth in this
10 Section.

11 (12) Violation of the prohibition against fee
12 splitting in Section 24.2 of this Act.

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

17 (14) Abandonment of a patient.

18 (15) Willfully making or filing false records or
19 reports in his or her practice, including but not limited
20 to false records filed with state agencies or departments.

21 (16) Willfully failing to report an instance of
22 suspected child abuse or neglect as required by the Abused
23 and Neglected Child Report Act.

24 (17) Physical illness, mental illness, or other
25 impairment, including but not limited to, deterioration
26 through the aging process, or loss of motor skill that

1 results in the inability to practice the profession with
2 reasonable judgment, skill or safety.

3 (18) Solicitation of professional services other than
4 permitted advertising.

5 (19) The determination by a circuit court that a
6 licensed podiatric physician is subject to involuntary
7 admission or judicial admission as provided in the Mental
8 Health and Developmental Disabilities Code operates as an
9 automatic suspension. Such suspension will end only upon a
10 finding by a court that the patient is no longer subject to
11 involuntary admission or judicial admission and issues an
12 order so finding and discharging the patient; and upon the
13 recommendation of the Podiatric Medical Licensing Board to
14 the Secretary that the licensee be allowed to resume his or
15 her practice.

16 (20) Holding oneself out to treat human ailments under
17 any name other than his or her own, or the impersonation of
18 any other physician.

19 (21) Revocation or suspension or other action taken
20 with respect to a podiatric medical license in another
21 jurisdiction that would constitute disciplinary action
22 under this Act.

23 (22) Promotion of the sale of drugs, devices,
24 appliances or goods provided for a patient in such manner
25 as to exploit the patient for financial gain of the
26 podiatric physician.

1 (23) Gross, willful, and continued overcharging for
2 professional services including filing false statements
3 for collection of fees for those services, including, but
4 not limited to, filing false statement for collection of
5 monies for services not rendered from the medical
6 assistance program of the Department of Healthcare and
7 Family Services (formerly Department of Public Aid) under
8 the Illinois Public Aid Code or other private or public
9 third party payor.

10 (24) Being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 under the Abused and Neglected Child Reporting Act, and
13 upon proof by clear and convincing evidence that the
14 licensee has caused a child to be an abused child or
15 neglected child as defined in the Abused and Neglected
16 Child Reporting Act.

17 (25) Willfully making or filing false records or
18 reports in the practice of podiatric medicine, including,
19 but not limited to, false records to support claims against
20 the medical assistance program of the Department of
21 Healthcare and Family Services (formerly Department of
22 Public Aid) under the Illinois Public Aid Code.

23 (26) (Blank).

24 (27) Immoral conduct in the commission of any act
25 including, sexual abuse, sexual misconduct, or sexual
26 exploitation, related to the licensee's practice.

1 (28) Violation of the Health Care Worker Self-Referral
2 Act.

3 (29) Failure to report to the Department any adverse
4 final action taken against him or her by another licensing
5 jurisdiction (another state or a territory of the United
6 States or a foreign state or country) by a peer review
7 body, by any health care institution, by a professional
8 society or association related to practice under this Act,
9 by a governmental agency, by a law enforcement agency, or
10 by a court for acts or conduct similar to acts or conduct
11 that would constitute grounds for action as defined in this
12 Section.

13 No consideration shall be given to convictions entered
14 prior to the date of the application, where the applicant has
15 completed any sentence imposed for that conviction, including
16 any period of mandatory supervised release.

17 The Department may refuse to issue or may suspend the
18 license of any person who fails to file a return, or to pay the
19 tax, penalty or interest shown in a filed return, or to pay any
20 final assessment of tax, penalty or interest, as required by
21 any tax Act administered by the Illinois Department of Revenue,
22 until such time as the requirements of any such tax Act are
23 satisfied.

24 Upon receipt of a written communication from the Secretary
25 of Human Services, the Director of Healthcare and Family
26 Services (formerly Director of Public Aid), or the Director of

1 Public Health that continuation of practice of a person
2 licensed under this Act constitutes an immediate danger to the
3 public, the Secretary may immediately suspend the license of
4 such person without a hearing. In instances in which the
5 Secretary immediately suspends a license under this Section, a
6 hearing upon such person's license must be convened by the
7 Board within 15 days after such suspension and completed
8 without appreciable delay, such hearing held to determine
9 whether to recommend to the Secretary that the person's license
10 be revoked, suspended, placed on probationary status or
11 reinstated, or such person be subject to other disciplinary
12 action. In such hearing, the written communication and any
13 other evidence submitted therewith may be introduced as
14 evidence against such person; provided, however, the person or
15 his counsel shall have the opportunity to discredit or impeach
16 such evidence and submit evidence rebutting the same.

17 Except for fraud in procuring a license, all proceedings to
18 suspend, revoke, place on probationary status, or take any
19 other disciplinary action as the Department may deem proper,
20 with regard to a license on any of the foregoing grounds, must
21 be commenced within 5 years after receipt by the Department of
22 a complaint alleging the commission of or notice of the
23 conviction order for any of the acts described in this Section.
24 Except for the grounds set forth in items (8), (9), (26), and
25 (29) of this Section, no action shall be commenced more than 10
26 years after the date of the incident or act alleged to have

1 been a violation of this Section. In the event of the
2 settlement of any claim or cause of action in favor of the
3 claimant or the reduction to final judgment of any civil action
4 in favor of the plaintiff, such claim, cause of action, or
5 civil action being grounded on the allegation that a person
6 licensed under this Act was negligent in providing care, the
7 Department shall have an additional period of 2 years from the
8 date of notification to the Department under Section 26 of this
9 Act of such settlement or final judgment in which to
10 investigate and commence formal disciplinary proceedings under
11 Section 24 of this Act, except as otherwise provided by law.
12 The time during which the holder of the license was outside the
13 State of Illinois shall not be included within any period of
14 time limiting the commencement of disciplinary action by the
15 Department.

16 In enforcing this Section, the Department or Board upon a
17 showing of a possible violation may compel an individual
18 licensed to practice under this Act, or who has applied for
19 licensure under this Act, to submit to a mental or physical
20 examination, or both, as required by and at the expense of the
21 Department. The Department or Board may order the examining
22 physician to present testimony concerning the mental or
23 physical examination of the licensee or applicant. No
24 information shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician. The

1 examining physicians shall be specifically designated by the
2 Board or Department. The individual to be examined may have, at
3 his or her own expense, another physician of his or her choice
4 present during all aspects of this examination. Failure of an
5 individual to submit to a mental or physical examination, when
6 directed, shall be grounds for suspension of his or her license
7 until the individual submits to the examination if the
8 Department finds, after notice and hearing, that the refusal to
9 submit to the examination was without reasonable cause.

10 If the Department or Board finds an individual unable to
11 practice because of the reasons set forth in this Section, the
12 Department or Board may require that individual to submit to
13 care, counseling, or treatment by physicians approved or
14 designated by the Department or Board, as a condition, term, or
15 restriction for continued, reinstated, or renewed licensure to
16 practice; or, in lieu of care, counseling, or treatment, the
17 Department may file, or the Board may recommend to the
18 Department to file, a complaint to immediately suspend, revoke,
19 or otherwise discipline the license of the individual. An
20 individual whose license was granted, continued, reinstated,
21 renewed, disciplined or supervised subject to such terms,
22 conditions, or restrictions, and who fails to comply with such
23 terms, conditions, or restrictions, shall be referred to the
24 Secretary for a determination as to whether the individual
25 shall have his or her license suspended immediately, pending a
26 hearing by the Department.

1 In instances in which the Secretary immediately suspends a
2 person's license under this Section, a hearing on that person's
3 license must be convened by the Department within 30 days after
4 the suspension and completed without appreciable delay. The
5 Department and Board shall have the authority to review the
6 subject individual's record of treatment and counseling
7 regarding the impairment to the extent permitted by applicable
8 federal statutes and regulations safeguarding the
9 confidentiality of medical records.

10 An individual licensed under this Act and affected under
11 this Section shall be afforded an opportunity to demonstrate to
12 the Department or Board that he or she can resume practice in
13 compliance with acceptable and prevailing standards under the
14 provisions of his or her license.

15 (Source: P.A. 96-1158, eff. 1-1-11; 96-1482, eff. 11-29-10;
16 97-813, eff. 7-13-12.)

17 Section 145. The Respiratory Care Practice Act is amended
18 by changing Section 95 as follows:

19 (225 ILCS 106/95)

20 (Section scheduled to be repealed on January 1, 2026)

21 Sec. 95. Grounds for discipline.

22 (a) The Department may refuse to issue, renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action as the Department

1 considers appropriate, including the issuance of fines not to
2 exceed \$10,000 for each violation, with regard to any license
3 for any one or combination of the following:

4 (1) Material misstatement in furnishing information to
5 the Department or to any other State or federal agency.

6 (2) Violations of this Act, or any of the rules adopted
7 under this Act.

8 (3) Conviction by plea of guilty or nolo contendere,
9 finding of guilt, jury verdict, or entry of judgment or by
10 sentencing of any crime, including, but not limited to,
11 convictions preceding sentences of supervision,
12 conditional discharge, or first offender probation, under
13 the laws of any jurisdiction of the United States or any
14 state or territory thereof: (i) that is a felony or (ii)
15 that is a misdemeanor, an essential element of which is
16 dishonesty, or that is directly related to the practice of
17 the profession.

18 (4) Making any misrepresentation for the purpose of
19 obtaining a license.

20 (5) Professional incompetence or negligence in the
21 rendering of respiratory care services.

22 (6) Malpractice.

23 (7) Aiding or assisting another person in violating any
24 rules or provisions of this Act.

25 (8) Failing to provide information within 60 days in
26 response to a written request made by the Department.

1 (9) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

4 (10) Violating the rules of professional conduct
5 adopted by the Department.

6 (11) Discipline by another jurisdiction, if at least
7 one of the grounds for the discipline is the same or
8 substantially equivalent to those set forth in this Act.

9 (12) Directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership, or association
11 any fee, commission, rebate, or other form of compensation
12 for any professional services not actually rendered.
13 Nothing in this paragraph (12) affects any bona fide
14 independent contractor or employment arrangements among
15 health care professionals, health facilities, health care
16 providers, or other entities, except as otherwise
17 prohibited by law. Any employment arrangements may include
18 provisions for compensation, health insurance, pension, or
19 other employment benefits for the provision of services
20 within the scope of the licensee's practice under this Act.
21 Nothing in this paragraph (12) shall be construed to
22 require an employment arrangement to receive professional
23 fees for services rendered.

24 (13) A finding that the licensee, after having her or
25 his license placed on probationary status or subject to
26 conditions or restrictions, has violated the terms of

1 probation or failed to comply with such terms or
2 conditions.

3 (14) Abandonment of a patient.

4 (15) Willfully filing false records or reports
5 relating to a licensee's practice including, but not
6 limited to, false records filed with a federal or State
7 agency or department.

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

11 (17) Providing respiratory care, other than pursuant
12 to an order.

13 (18) Physical or mental disability including, but not
14 limited to, deterioration through the aging process or loss
15 of motor skills that results in the inability to practice
16 the profession with reasonable judgment, skill, or safety.

17 (19) Solicitation of professional services by using
18 false or misleading advertising.

19 (20) Failure to file a tax return, or to pay the tax,
20 penalty, or interest shown in a filed return, or to pay any
21 final assessment of tax penalty, or interest, as required
22 by any tax Act administered by the Illinois Department of
23 Revenue or any successor agency or the Internal Revenue
24 Service or any successor agency.

25 (21) Irregularities in billing a third party for
26 services rendered or in reporting charges for services not

1 rendered.

2 (22) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 under the Abused and Neglected Child Reporting Act, and
5 upon proof by clear and convincing evidence that the
6 licensee has caused a child to be an abused child or
7 neglected child as defined in the Abused and Neglected
8 Child Reporting Act.

9 (23) Habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants, or any other chemical agent or drug
11 that results in an inability to practice with reasonable
12 skill, judgment, or safety.

13 (24) Being named as a perpetrator in an indicated
14 report by the Department on Aging under the Adult
15 Protective Services Act, and upon proof by clear and
16 convincing evidence that the licensee has caused an adult
17 with disabilities or an older adult to be abused or
18 neglected as defined in the Adult Protective Services Act.

19 (25) Willfully failing to report an instance of
20 suspected abuse, neglect, financial exploitation, or
21 self-neglect of an adult with disabilities or an older
22 adult as required by the Adult Protective Services Act.

23 (26) Willful omission to file or record, or willfully
24 impeding the filing or recording, or inducing another
25 person to omit to file or record medical reports as
26 required by law or willfully failing to report an instance

1 of suspected child abuse or neglect as required by the
2 Abused and Neglected Child Reporting Act.

3 (27) Practicing under a false or assumed name, except
4 as provided by law.

5 (28) Willfully or negligently violating the
6 confidentiality between licensee and patient, except as
7 required by law.

8 (29) The use of any false, fraudulent, or deceptive
9 statement in any document connected with the licensee's
10 practice.

11 No consideration shall be given to convictions entered
12 prior to the date of the application, where the applicant has
13 completed any sentence imposed for that conviction, including
14 any period of mandatory supervised release.

15 (b) The determination by a court that a licensee is subject
16 to involuntary admission or judicial admission as provided in
17 the Mental Health and Developmental Disabilities Code will
18 result in an automatic suspension of his or her license. The
19 suspension will end upon a finding by a court that the licensee
20 is no longer subject to involuntary admission or judicial
21 admission, the issuance of an order so finding and discharging
22 the patient, and the recommendation of the Board to the
23 Secretary that the licensee be allowed to resume his or her
24 practice.

25 All fines imposed under this Section shall be paid within
26 60 days after the effective date of the order imposing the fine

1 or in accordance with the terms set forth in the order imposing
2 the fine.

3 (Source: P.A. 98-49, eff. 7-1-13; 99-230, eff. 8-3-15.)

4 Section 150. The Professional Counselor and Clinical
5 Professional Counselor Licensing and Practice Act is amended by
6 changing Section 80 as follows:

7 (225 ILCS 107/80)

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

9 Sec. 80. Grounds for discipline.

10 (a) The Department may refuse to issue, renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action as the Department
13 deems appropriate, including the issuance of fines not to
14 exceed \$10,000 for each violation, with regard to any license
15 for any one or more of the following:

16 (1) Material misstatement in furnishing information to
17 the Department or to any other State agency.

18 (2) Violations or negligent or intentional disregard
19 of this Act or rules adopted under this Act.

20 (3) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States: (i) that
2 is a felony or (ii) that is a misdemeanor, an essential
3 element of which is dishonesty, or that is directly related
4 to the practice of the profession.

5 (4) Fraud or any misrepresentation in applying for or
6 procuring a license under this Act or in connection with
7 applying for renewal of a license under this Act.

8 (5) Professional incompetence or gross negligence in
9 the rendering of professional counseling or clinical
10 professional counseling services.

11 (6) Malpractice.

12 (7) Aiding or assisting another person in violating any
13 provision of this Act or any rules.

14 (8) Failing to provide information within 60 days in
15 response to a written request made by the Department.

16 (9) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public and violating the rules of
19 professional conduct adopted by the Department.

20 (10) Habitual or excessive use or abuse of drugs as
21 defined in law as controlled substances, alcohol, or any
22 other substance which results in inability to practice with
23 reasonable skill, judgment, or safety.

24 (11) Discipline by another jurisdiction, the District
25 of Columbia, territory, county, or governmental agency, if
26 at least one of the grounds for the discipline is the same

1 or substantially equivalent to those set forth in this
2 Section.

3 (12) Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership, or association
5 any fee, commission, rebate or other form of compensation
6 for any professional service not actually rendered.
7 Nothing in this paragraph (12) affects any bona fide
8 independent contractor or employment arrangements among
9 health care professionals, health facilities, health care
10 providers, or other entities, except as otherwise
11 prohibited by law. Any employment arrangements may include
12 provisions for compensation, health insurance, pension, or
13 other employment benefits for the provision of services
14 within the scope of the licensee's practice under this Act.
15 Nothing in this paragraph (12) shall be construed to
16 require an employment arrangement to receive professional
17 fees for services rendered.

18 (13) A finding by the Board that the licensee, after
19 having the license placed on probationary status, has
20 violated the terms of probation.

21 (14) Abandonment of a client.

22 (15) Willfully filing false reports relating to a
23 licensee's practice, including but not limited to false
24 records filed with federal or State agencies or
25 departments.

26 (16) Willfully failing to report an instance of

1 suspected child abuse or neglect as required by the Abused
2 and Neglected Child Reporting Act and in matters pertaining
3 to suspected abuse, neglect, financial exploitation, or
4 self-neglect of adults with disabilities and older adults
5 as set forth in the Adult Protective Services Act.

6 (17) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 pursuant to the Abused and Neglected Child Reporting Act,
9 and upon proof by clear and convincing evidence that the
10 licensee has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (18) Physical or mental illness or disability,
14 including, but not limited to, deterioration through the
15 aging process or loss of abilities and skills which results
16 in the inability to practice the profession with reasonable
17 judgment, skill, or safety.

18 (19) Solicitation of professional services by using
19 false or misleading advertising.

20 (20) Allowing one's license under this Act to be used
21 by an unlicensed person in violation of this Act.

22 (21) A finding that licensure has been applied for or
23 obtained by fraudulent means.

24 (22) Practicing under a false or, except as provided by
25 law, an assumed name.

26 (23) Gross and willful overcharging for professional

1 services including filing statements for collection of
2 fees or monies for which services are not rendered.

3 (24) Rendering professional counseling or clinical
4 professional counseling services without a license or
5 practicing outside the scope of a license.

6 (25) Clinical supervisors failing to adequately and
7 responsibly monitor supervisees.

8 No consideration shall be given to convictions entered
9 prior to the date of the application, where the applicant has
10 completed any sentence imposed for that conviction, including
11 any period of mandatory supervised release.

12 All fines imposed under this Section shall be paid within
13 60 days after the effective date of the order imposing the
14 fine.

15 (b) The Department shall deny, without hearing, any
16 application or renewal for a license under this Act to any
17 person who has defaulted on an educational loan guaranteed by
18 the Illinois Student ~~State~~ Assistance Commission or any
19 governmental agency of this State in accordance with item (5)
20 of subsection (a) of Section 2105-15 of the Department of
21 Professional Regulation Law of the Civil Administrative Code of
22 Illinois.

23 (b-5) The Department may refuse to issue or may suspend
24 without hearing, as provided for in the Code of Civil
25 Procedure, the license of any person who fails to file a
26 return, pay the tax, penalty, or interest shown in a filed

1 return, or pay any final assessment of the tax, penalty, or
2 interest as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied in accordance
5 with subsection (g) of Section 2105-15 of the Department of
6 Professional Regulation Law of the Civil Administrative Code of
7 Illinois.

8 (b-10) In cases where the Department of Healthcare and
9 Family Services has previously determined a licensee or a
10 potential licensee is more than 30 days delinquent in the
11 payment of child support and has subsequently certified the
12 delinquency to the Department, the Department may refuse to
13 issue or renew or may revoke or suspend that person's license
14 or may take other disciplinary action against that person based
15 solely upon the certification of delinquency made by the
16 Department of Healthcare and Family Services in accordance with
17 item (5) of subsection (a) of Section 2105-15 of the Department
18 of Professional Regulation Law of the Civil Administrative Code
19 of Illinois.

20 (c) The determination by a court that a licensee is subject
21 to involuntary admission or judicial admission as provided in
22 the Mental Health and Developmental Disabilities Code will
23 result in an automatic suspension of his or her license. The
24 suspension will end upon a finding by a court that the licensee
25 is no longer subject to involuntary admission or judicial
26 admission, the issuance of an order so finding and discharging

1 the patient, and the recommendation of the Board to the
2 Secretary that the licensee be allowed to resume professional
3 practice.

4 (c-5) In enforcing this Act, the Department, upon a showing
5 of a possible violation, may compel an individual licensed to
6 practice under this Act, or who has applied for licensure under
7 this Act, to submit to a mental or physical examination, or
8 both, as required by and at the expense of the Department. The
9 Department may order the examining physician to present
10 testimony concerning the mental or physical examination of the
11 licensee or applicant. No information shall be excluded by
12 reason of any common law or statutory privilege relating to
13 communications between the licensee or applicant and the
14 examining physician. The examining physicians shall be
15 specifically designated by the Department. The individual to be
16 examined may have, at his or her own expense, another physician
17 of his or her choice present during all aspects of this
18 examination. The examination shall be performed by a physician
19 licensed to practice medicine in all its branches. Failure of
20 an individual to submit to a mental or physical examination,
21 when directed, shall result in an automatic suspension without
22 hearing.

23 A person holding a license under this Act or who has
24 applied for a license under this Act who, because of a physical
25 or mental illness or disability, including, but not limited to,
26 deterioration through the aging process or loss of motor skill,

1 is unable to practice the profession with reasonable judgment,
2 skill, or safety, may be required by the Department to submit
3 to care, counseling, or treatment by physicians approved or
4 designated by the Department as a condition, term, or
5 restriction for continued, reinstated, or renewed licensure to
6 practice. Submission to care, counseling, or treatment as
7 required by the Department shall not be considered discipline
8 of a license. If the licensee refuses to enter into a care,
9 counseling, or treatment agreement or fails to abide by the
10 terms of the agreement, the Department may file a complaint to
11 revoke, suspend, or otherwise discipline the license of the
12 individual. The Secretary may order the license suspended
13 immediately, pending a hearing by the Department. Fines shall
14 not be assessed in disciplinary actions involving physical or
15 mental illness or impairment.

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

25 An individual licensed under this Act and affected under
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department that he or she can resume practice in compliance
2 with acceptable and prevailing standards under the provisions
3 of his or her license.

4 (d) (Blank).

5 (Source: P.A. 97-706, eff. 6-25-12; 98-49, eff. 7-1-13; revised
6 10-27-16.)

7 Section 155. The Sex Offender Evaluation and Treatment
8 Provider Act is amended by changing Section 75 as follows:

9 (225 ILCS 109/75)

10 Sec. 75. Refusal, revocation, or suspension.

11 (a) The Department may refuse to issue or renew, or may
12 revoke, suspend, place on probation, reprimand, or take other
13 disciplinary or nondisciplinary action, as the Department
14 considers appropriate, including the imposition of fines not to
15 exceed \$10,000 for each violation, with regard to any license
16 or licensee for any one or more of the following:

17 (1) violations of this Act or of the rules adopted
18 under this Act;

19 (2) discipline by the Department under other state law
20 and rules which the licensee is subject to;

21 (3) conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or by
23 sentencing for any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under
2 the laws of any jurisdiction of the United States: (i) that
3 is a felony; or (ii) that is a misdemeanor, an essential
4 element of which is dishonesty, or that is directly related
5 to the practice of the profession;

6 (4) professional incompetence;

7 (5) advertising in a false, deceptive, or misleading
8 manner;

9 (6) aiding, abetting, assisting, procuring, advising,
10 employing, or contracting with any unlicensed person to
11 provide sex offender evaluation or treatment services
12 contrary to any rules or provisions of this Act;

13 (7) engaging in immoral conduct in the commission of
14 any act, such as sexual abuse, sexual misconduct, or sexual
15 exploitation, related to the licensee's practice;

16 (8) engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public;

19 (9) practicing or offering to practice beyond the scope
20 permitted by law or accepting and performing professional
21 responsibilities which the licensee knows or has reason to
22 know that he or she is not competent to perform;

23 (10) knowingly delegating professional
24 responsibilities to a person unqualified by training,
25 experience, or licensure to perform;

26 (11) failing to provide information in response to a

1 written request made by the Department within 60 days;

2 (12) having a habitual or excessive use of or addiction
3 to alcohol, narcotics, stimulants, or any other chemical
4 agent or drug which results in the inability to practice
5 with reasonable judgment, skill, or safety;

6 (13) having a pattern of practice or other behavior
7 that demonstrates incapacity or incompetence to practice
8 under this Act;

9 (14) discipline by another state, District of
10 Columbia, territory, or foreign nation, if at least one of
11 the grounds for the discipline is the same or substantially
12 equivalent to those set forth in this Section;

13 (15) a finding by the Department that the licensee,
14 after having his or her license placed on probationary
15 status, has violated the terms of probation;

16 (16) willfully making or filing false records or
17 reports in his or her practice, including, but not limited
18 to, false records filed with State agencies or departments;

19 (17) making a material misstatement in furnishing
20 information to the Department or otherwise making
21 misleading, deceptive, untrue, or fraudulent
22 representations in violation of this Act or otherwise in
23 the practice of the profession;

24 (18) fraud or misrepresentation in applying for or
25 procuring a license under this Act or in connection with
26 applying for renewal of a license under this Act;

1 (19) inability to practice the profession with
2 reasonable judgment, skill, or safety as a result of
3 physical illness, including, but not limited to,
4 deterioration through the aging process, loss of motor
5 skill, or a mental illness or disability;

6 (20) charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered; or

9 (21) practicing under a false or, except as provided by
10 law, an assumed name.

11 No consideration shall be given to convictions entered
12 prior to the date of the application, where the applicant has
13 completed any sentence imposed for that conviction, including
14 any period of mandatory supervised release.

15 All fines shall be paid within 60 days of the effective
16 date of the order imposing the fine.

17 (b) The Department may refuse to issue or may suspend the
18 license of any person who fails to file a tax return, to pay
19 the tax, penalty, or interest shown in a filed tax return, or
20 to pay any final assessment of tax, penalty, or interest, as
21 required by any tax Act administered by the Illinois Department
22 of Revenue, until such time as the requirements of the tax Act
23 are satisfied in accordance with subsection (g) of Section
24 2105-15 of the Civil Administrative Code of Illinois.

25 (c) The Department shall deny a license or renewal
26 authorized by this Act to a person who has defaulted on an

1 educational loan or scholarship provided or guaranteed by the
2 Illinois Student Assistance Commission or any governmental
3 agency of this State in accordance with item (5) of subsection
4 (a) of Section 2105-15 of the Civil Administrative Code of
5 Illinois.

6 (d) In cases where the Department of Healthcare and Family
7 Services has previously determined that a licensee or a
8 potential licensee is more than 30 days delinquent in the
9 payment of child support and has subsequently certified the
10 delinquency to the Department, the Department may refuse to
11 issue or renew or may revoke or suspend that person's license
12 or may take other disciplinary action against that person based
13 solely upon the certification of delinquency made by the
14 Department of Healthcare and Family Services in accordance with
15 item (5) of subsection (a) of Section 2105-15 of the Civil
16 Administrative Code of Illinois.

17 (e) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of a court order so finding and discharging
24 the patient.

25 (f) In enforcing this Act, the Department or Board, upon a
26 showing of a possible violation, may compel an individual

1 licensed to practice under this Act, or who has applied for
2 licensure under this Act, to submit to a mental or physical
3 examination, or both, as required by and at the expense of the
4 Department. The Department or Board may order the examining
5 physician to present testimony concerning the mental or
6 physical examination of the licensee or applicant. No
7 information shall be excluded by reason of any common law or
8 statutory privilege relating to communications between the
9 licensee or applicant and the examining physician. The
10 examining physician shall be specifically designated by the
11 Board or Department. The individual to be examined may have, at
12 his or her own expense, another physician of his or her choice
13 present during all aspects of this examination. The examination
14 shall be performed by a physician licensed to practice medicine
15 in all its branches. Failure of an individual to submit to a
16 mental or physical examination, when directed, shall result in
17 an automatic suspension without hearing.

18 A person holding a license under this Act or who has
19 applied for a license under this Act who, because of a physical
20 or mental illness or disability, including, but not limited to,
21 deterioration through the aging process or loss of motor skill,
22 is unable to practice the profession with reasonable judgment,
23 skill, or safety, may be required by the Department to submit
24 to care, counseling, or treatment by physicians approved or
25 designated by the Department as a condition, term, or
26 restriction for continued, reinstated, or renewed licensure to

1 practice. Submission to care, counseling, or treatment as
2 required by the Department shall not be considered discipline
3 of a license. If the licensee refuses to enter into a care,
4 counseling, or treatment agreement or fails to abide by the
5 terms of the agreement, the Department may file a complaint to
6 revoke, suspend, or otherwise discipline the license of the
7 individual. The Secretary may order the license suspended
8 immediately, pending a hearing by the Department. Fines shall
9 not be assessed in disciplinary actions involving physical or
10 mental illness or impairment.

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

20 An individual licensed under this Act and subject to action
21 under this Section shall be afforded an opportunity to
22 demonstrate to the Department or Board that he or she can
23 resume practice in compliance with acceptable and prevailing
24 standards under the provisions of his or her license.

25 (Source: P.A. 97-1098, eff. 7-1-13; 98-756, eff. 7-16-14.)

1 Section 160. The Illinois Speech-Language Pathology and
2 Audiology Practice Act is amended by changing Section 16 as
3 follows:

4 (225 ILCS 110/16) (from Ch. 111, par. 7916)

5 (Section scheduled to be repealed on January 1, 2018)

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

7 (1) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, censure, reprimand or take
9 other disciplinary or non-disciplinary action as the
10 Department may deem proper, including fines not to exceed
11 \$10,000 for each violation, with regard to any license for any
12 one or combination of the following causes:

13 (a) Fraud in procuring the license.

14 (b) (Blank).

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

17 (d) Division of fees or agreeing to split or divide the
18 fees received for speech-language pathology or audiology
19 services with any person for referring an individual, or
20 assisting in the care or treatment of an individual,
21 without the knowledge of the individual or his or her legal
22 representative. Nothing in this paragraph (d) affects any
23 bona fide independent contractor or employment
24 arrangements among health care professionals, health
25 facilities, health care providers, or other entities,

1 except as otherwise prohibited by law. Any employment
2 arrangements may include provisions for compensation,
3 health insurance, pension, or other employment benefits
4 for the provision of services within the scope of the
5 licensee's practice under this Act. Nothing in this
6 paragraph (d) shall be construed to require an employment
7 arrangement to receive professional fees for services
8 rendered.

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

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

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

20 (g) Professional connection or association with, or
21 lending his or her name to another for the illegal practice
22 of speech-language pathology or audiology by another, or
23 professional connection or association with any person,
24 firm or corporation holding itself out in any manner
25 contrary to this Act.

26 (h) Obtaining or seeking to obtain checks, money, or

1 any other things of value by false or fraudulent
2 representations, including but not limited to, engaging in
3 such fraudulent practice to defraud the medical assistance
4 program of the Department of Healthcare and Family Services
5 (formerly Department of Public Aid).

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

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

10 (k) Conviction of or entry of a plea of guilty or nolo
11 contendere to any crime that is a felony under the laws of
12 the United States or any state or territory thereof, or
13 that is a misdemeanor of which an essential element is
14 dishonesty, or that is directly related to the practice of
15 the profession.

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

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

20 (n) Discipline by another state, the District of
21 Columbia, territory, or foreign nation of a license to
22 practice speech-language pathology or audiology or a
23 license to practice as a speech-language pathology
24 assistant in its jurisdiction if at least one of the
25 grounds for that discipline is the same as or the
26 equivalent of one of the grounds for discipline set forth

1 herein.

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

5 (p) Gross or repeated malpractice.

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

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

16 (s) Repeated irregularities in billing a third party
17 for services rendered to an individual. For purposes of
18 this Section, "irregularities in billing" shall include:

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

24 (ii) reporting charges for services not rendered;

25 or

26 (iii) incorrectly reporting services rendered for

1 the purpose of obtaining payment not earned.

2 (t) (Blank).

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

5 (v) Inability to practice with reasonable judgment,
6 skill, or safety as a result of habitual or excessive use
7 of or addiction to alcohol, narcotics, or stimulants or any
8 other chemical agent or drug or as a result of physical
9 illness, including, but not limited to, deterioration
10 through the aging process or loss of motor skill, mental
11 illness, or disability.

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

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

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

21 No consideration shall be given to convictions entered
22 prior to the date of the application, where the applicant has
23 completed any sentence imposed for that conviction, including
24 any period of mandatory supervised release.

25 (2) The Department shall deny a license or renewal
26 authorized by this Act to any person who has defaulted on an

1 educational loan guaranteed by the Illinois State Scholarship
2 Commission; however, the Department may issue a license or
3 renewal if the aforementioned persons have established a
4 satisfactory repayment record as determined by the Illinois
5 State Scholarship Commission.

6 (3) The entry of an order by a circuit court establishing
7 that any person holding a license under this Act is subject to
8 involuntary admission or judicial admission as provided for in
9 the Mental Health and Developmental Disabilities Code,
10 operates as an automatic suspension of that license. That
11 person may have his or her license restored only upon the
12 determination by a circuit court that the patient is no longer
13 subject to involuntary admission or judicial admission and the
14 issuance of an order so finding and discharging the patient,
15 and upon the Board's recommendation to the Department that the
16 license be restored. Where the circumstances so indicate, the
17 Board may recommend to the Department that it require an
18 examination prior to restoring any license automatically
19 suspended under this subsection.

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

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

16 If the Board finds an individual unable to practice because
17 of the reasons set forth in this Section, the Board may require
18 that individual to submit to care, counseling, or treatment by
19 physicians or clinical psychologists approved or designated by
20 the Board, as a condition, term, or restriction for continued,
21 reinstated, or renewed licensure to practice; or, in lieu of
22 care, counseling, or treatment, the Board may recommend to the
23 Department to file a complaint to immediately suspend, revoke,
24 or otherwise discipline the license of the individual. Any
25 individual whose license was granted, continued, reinstated,
26 renewed, disciplined or supervised subject to such terms,

1 conditions, or restrictions, and who fails to comply with such
2 terms, conditions, or restrictions, shall be referred to the
3 Secretary for a determination as to whether the individual
4 shall have his or her license suspended immediately, pending a
5 hearing by the Board.

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

15 An individual licensed under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate to
17 the Board that he or she can resume practice in compliance with
18 acceptable and prevailing standards under the provisions of his
19 or her license.

20 (Source: P.A. 95-331, eff. 8-21-07; 95-465, eff. 8-27-07;
21 96-1482, eff. 11-29-10.)

22 Section 165. The Veterinary Medicine and Surgery Practice
23 Act of 2004 is amended by changing Section 25 as follows:

24 (225 ILCS 115/25) (from Ch. 111, par. 7025)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 25. Disciplinary actions.

3 1. The Department may refuse to issue or renew, or may
4 revoke, suspend, place on probation, reprimand, or take other
5 disciplinary or non-disciplinary action as the Department may
6 deem appropriate, including imposing fines not to exceed
7 \$10,000 for each violation and the assessment of costs as
8 provided for in Section 25.3 of this Act, with regard to any
9 license or certificate for any one or combination of the
10 following:

11 A. Material misstatement in furnishing information to
12 the Department.

13 B. Violations of this Act, or of the rules adopted
14 pursuant to this Act.

15 C. Conviction by plea of guilty or nolo contendere,
16 finding of guilt, jury verdict, or entry of judgment or by
17 sentencing of any crime, including, but not limited to,
18 convictions, preceding sentences of supervision,
19 conditional discharge, or first offender probation, under
20 the laws of any jurisdiction of the United States that is
21 (i) a felony or (ii) a misdemeanor, an essential element of
22 which is dishonesty, or that is directly related to the
23 practice of the profession.

24 D. Fraud or any misrepresentation in applying for or
25 procuring a license under this Act or in connection with
26 applying for renewal of a license under this Act.

1 E. Professional incompetence.

2 F. Malpractice.

3 G. Aiding or assisting another person in violating any
4 provision of this Act or rules.

5 H. Failing, within 60 days, to provide information in
6 response to a written request made by the Department.

7 I. Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public.

10 J. Habitual or excessive use or abuse of drugs defined
11 in law as controlled substances, alcohol, or any other
12 substance that results in the inability to practice with
13 reasonable judgment, skill, or safety.

14 K. Discipline by another state, unit of government,
15 government agency, District of Columbia, territory, or
16 foreign nation, if at least one of the grounds for the
17 discipline is the same or substantially equivalent to those
18 set forth herein.

19 L. Charging for professional services not rendered,
20 including filing false statements for the collection of
21 fees for which services are not rendered.

22 M. A finding by the Board that the licensee or
23 certificate holder, after having his license or
24 certificate placed on probationary status, has violated
25 the terms of probation.

26 N. Willfully making or filing false records or reports

1 in his practice, including but not limited to false records
2 filed with State agencies or departments.

3 O. Physical illness, including but not limited to,
4 deterioration through the aging process, or loss of motor
5 skill which results in the inability to practice under this
6 Act with reasonable judgment, skill, or safety.

7 P. Solicitation of professional services other than
8 permitted advertising.

9 Q. Allowing one's license under this Act to be used by
10 an unlicensed person in violation of this Act.

11 R. Conviction of or cash compromise of a charge or
12 violation of the Harrison Act or the Illinois Controlled
13 Substances Act, regulating narcotics.

14 S. Fraud or dishonesty in applying, treating, or
15 reporting on tuberculin or other biological tests.

16 T. Failing to report, as required by law, or making
17 false report of any contagious or infectious diseases.

18 U. Fraudulent use or misuse of any health certificate,
19 shipping certificate, brand inspection certificate, or
20 other blank forms used in practice that might lead to the
21 dissemination of disease or the transportation of diseased
22 animals dead or alive; or dilatory methods, willful
23 neglect, or misrepresentation in the inspection of milk,
24 meat, poultry, and the by-products thereof.

25 V. Conviction on a charge of cruelty to animals.

26 W. Failure to keep one's premises and all equipment

1 therein in a clean and sanitary condition.

2 X. Failure to provide satisfactory proof of having
3 participated in approved continuing education programs.

4 Y. Mental illness or disability that results in the
5 inability to practice under this Act with reasonable
6 judgment, skill, or safety.

7 Z. Conviction by any court of competent jurisdiction,
8 either within or outside this State, of any violation of
9 any law governing the practice of veterinary medicine, if
10 the Department determines, after investigation, that the
11 person has not been sufficiently rehabilitated to warrant
12 the public trust.

13 AA. Promotion of the sale of drugs, devices,
14 appliances, or goods provided for a patient in any manner
15 to exploit the client for financial gain of the
16 veterinarian.

17 BB. Gross, willful, or continued overcharging for
18 professional services.

19 CC. Practicing under a false or, except as provided by
20 law, an assumed name.

21 DD. Violating state or federal laws or regulations
22 relating to controlled substances or legend drugs.

23 EE. Cheating on or attempting to subvert the licensing
24 examination administered under this Act.

25 FF. Using, prescribing, or selling a prescription drug
26 or the extra-label use of a prescription drug by any means

1 in the absence of a valid veterinarian-client-patient
2 relationship.

3 GG. Failing to report a case of suspected aggravated
4 cruelty, torture, or animal fighting pursuant to Section
5 3.07 or 4.01 of the Humane Care for Animals Act or Section
6 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
7 Code of 2012.

8 No consideration shall be given to convictions entered
9 prior to the date of the application, where the applicant has
10 completed any sentence imposed for that conviction, including
11 any period of mandatory supervised release.

12 All fines imposed under this Section shall be paid within
13 60 days after the effective date of the order imposing the fine
14 or in accordance with the terms set forth in the order imposing
15 the fine.

16 2. The determination by a circuit court that a licensee or
17 certificate holder is subject to involuntary admission or
18 judicial admission as provided in the Mental Health and
19 Developmental Disabilities Code operates as an automatic
20 suspension. The suspension will end only upon a finding by a
21 court that the patient is no longer subject to involuntary
22 admission or judicial admission and issues an order so finding
23 and discharging the patient. In any case where a license is
24 suspended under this provision, the licensee shall file a
25 petition for restoration and shall include evidence acceptable
26 to the Department that the licensee can resume practice in

1 compliance with acceptable and prevailing standards of his or
2 her profession.

3 3. All proceedings to suspend, revoke, place on
4 probationary status, or take any other disciplinary action as
5 the Department may deem proper, with regard to a license or
6 certificate on any of the foregoing grounds, must be commenced
7 within 5 years after receipt by the Department of a complaint
8 alleging the commission of or notice of the conviction order
9 for any of the acts described in this Section. Except for
10 proceedings brought for violations of items (CC), (DD), or
11 (EE), no action shall be commenced more than 5 years after the
12 date of the incident or act alleged to have violated this
13 Section. In the event of the settlement of any claim or cause
14 of action in favor of the claimant or the reduction to final
15 judgment of any civil action in favor of the plaintiff, the
16 claim, cause of action, or civil action being grounded on the
17 allegation that a person licensed or certified under this Act
18 was negligent in providing care, the Department shall have an
19 additional period of one year from the date of the settlement
20 or final judgment in which to investigate and begin formal
21 disciplinary proceedings under Section 25.2 of this Act, except
22 as otherwise provided by law. The time during which the holder
23 of the license or certificate was outside the State of Illinois
24 shall not be included within any period of time limiting the
25 commencement of disciplinary action by the Department.

26 4. The Department may refuse to issue or may suspend

1 without hearing, as provided for in the Illinois Code of Civil
2 Procedure, the license of any person who fails to file a
3 return, to pay the tax, penalty, or interest shown in a filed
4 return, or to pay any final assessment of tax, penalty, or
5 interest as required by any tax Act administered by the
6 Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied in accordance
8 with subsection (g) of Section 2105-15 of the Civil
9 Administrative Code of Illinois.

10 5. In enforcing this Section, the Department, upon a
11 showing of a possible violation, may compel any individual who
12 is registered under this Act or any individual who has applied
13 for registration to submit to a mental or physical examination
14 or evaluation, or both, which may include a substance abuse or
15 sexual offender evaluation, at the expense of the Department.
16 The Department shall specifically designate the examining
17 physician licensed to practice medicine in all of its branches
18 or, if applicable, the multidisciplinary team involved in
19 providing the mental or physical examination and evaluation.
20 The multidisciplinary team shall be led by a physician licensed
21 to practice medicine in all of its branches and may consist of
22 one or more or a combination of physicians licensed to practice
23 medicine in all of its branches, licensed chiropractic
24 physicians, licensed clinical psychologists, licensed clinical
25 social workers, licensed clinical professional counselors, and
26 other professional and administrative staff. Any examining

1 physician or member of the multidisciplinary team may require
2 any person ordered to submit to an examination and evaluation
3 pursuant to this Section to submit to any additional
4 supplemental testing deemed necessary to complete any
5 examination or evaluation process, including, but not limited
6 to, blood testing, urinalysis, psychological testing, or
7 neuropsychological testing.

8 The Department may order the examining physician or any
9 member of the multidisciplinary team to provide to the
10 Department any and all records, including business records,
11 that relate to the examination and evaluation, including any
12 supplemental testing performed. The Department may order the
13 examining physician or any member of the multidisciplinary team
14 to present testimony concerning this examination and
15 evaluation of the registrant or applicant, including testimony
16 concerning any supplemental testing or documents relating to
17 the examination and evaluation. No information, report,
18 record, or other documents in any way related to the
19 examination and evaluation shall be excluded by reason of any
20 common law or statutory privilege relating to communication
21 between the licensee or applicant and the examining physician
22 or any member of the multidisciplinary team. No authorization
23 is necessary from the registrant or applicant ordered to
24 undergo an evaluation and examination for the examining
25 physician or any member of the multidisciplinary team to
26 provide information, reports, records, or other documents or to

1 provide any testimony regarding the examination and
2 evaluation. The individual to be examined may have, at his or
3 her own expense, another physician of his or her choice present
4 during all aspects of the examination.

5 Failure of any individual to submit to mental or physical
6 examination or evaluation, or both, when directed, shall result
7 in an automatic suspension without hearing, until such time as
8 the individual submits to the examination. If the Department
9 finds a registrant unable to practice because of the reasons
10 set forth in this Section, the Department shall require such
11 registrant to submit to care, counseling, or treatment by
12 physicians approved or designated by the Department as a
13 condition for continued, reinstated, or renewed registration.

14 In instances in which the Secretary immediately suspends a
15 registration under this Section, a hearing upon such person's
16 registration must be convened by the Department within 15 days
17 after such suspension and completed without appreciable delay.
18 The Department shall have the authority to review the
19 registrant's record of treatment and counseling regarding the
20 impairment to the extent permitted by applicable federal
21 statutes and regulations safeguarding the confidentiality of
22 medical records.

23 Individuals registered under this Act who are affected
24 under this Section, shall be afforded an opportunity to
25 demonstrate to the Department that they can resume practice in
26 compliance with acceptable and prevailing standards under the

1 provisions of their registration.

2 6. The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State in accordance with paragraph (5) of
7 subsection (a) of Section 2105-15 of the Civil Administrative
8 Code of Illinois.

9 7. In cases where the Department of Healthcare and Family
10 Services has previously determined a licensee or a potential
11 licensee is more than 30 days delinquent in the payment of
12 child support and has subsequently certified the delinquency to
13 the Department, the Department may refuse to issue or renew or
14 may revoke or suspend that person's license or may take other
15 disciplinary action against that person based solely upon the
16 certification of delinquency made by the Department of
17 Healthcare and Family Services in accordance with paragraph (5)
18 of subsection (a) of Section 2105-15 of the Civil
19 Administrative Code of Illinois.

20 (Source: P.A. 98-339, eff. 12-31-13; 99-78, eff. 7-20-15.)

21 Section 170. The Wholesale Drug Distribution Licensing Act
22 is amended by changing Section 55 as follows:

23 (225 ILCS 120/55) (from Ch. 111, par. 8301-55)

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

1 Sec. 55. Discipline; grounds.

2 (a) The Department may refuse to issue, restore, or renew,
3 or may revoke, suspend, place on probation, reprimand or take
4 other disciplinary or non-disciplinary action as the
5 Department may deem appropriate, including imposing fines not
6 to exceed \$10,000 for each violation, with regard to any
7 applicant or licensee or any officer, director, manager, or
8 shareholder who owns 5% or more interest in the business that
9 holds the license for any one or a combination of the following
10 reasons:

11 (1) Violation of this Act or of the rules adopted under
12 this Act.

13 (2) Aiding or assisting another person in violating any
14 provision of this Act or the rules adopted under this Act.

15 (3) Failing, within 60 days, to provide information in
16 response to a written requirement made by the Department.

17 (4) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public. This includes violations of
20 "good faith" as defined by the Illinois Controlled
21 Substances Act and applies to all prescription drugs.

22 (5) Discipline by another U.S. jurisdiction or foreign
23 nation, if at least one of the grounds for the discipline
24 is the same or substantially equivalent to those set forth
25 in this Act.

26 (6) Selling or engaging in the sale of drug samples

1 provided at no cost by drug manufacturers.

2 (7) Conviction by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment or by
4 sentencing of any crime, including, but not limited to,
5 convictions, preceding sentences of supervision,
6 conditional discharge, or first offender probation, under
7 the laws of any jurisdiction of the United States that is
8 (i) a felony or (ii) a misdemeanor, an essential element of
9 which is dishonesty or that is directly related to the
10 practice of this profession.

11 (8) Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 by the designated representative, as provided for in item
14 (7) of subsection (b) of Section 25 of this Act, any
15 officer, or director that results in the inability to
16 function with reasonable judgment, skill, or safety.

17 (9) Material misstatement in furnishing information to
18 the Department.

19 (10) A finding by the Department that the licensee,
20 after having his or her license placed on probationary
21 status, has violated the terms of probation.

22 (11) Fraud or misrepresentation in applying for, or
23 procuring, a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (12) Willfully making or filing false records or
26 reports.

1 (13) A finding of a substantial discrepancy in a
2 Department audit of a prescription drug, including a
3 controlled substance as that term is defined in this Act or
4 in the Illinois Controlled Substances Act.

5 (14) Falsifying a pedigree or selling, distributing,
6 transferring, manufacturing, repackaging, handling, or
7 holding a counterfeit prescription drug intended for human
8 use.

9 (15) Interfering with a Department investigation.

10 (16) Failing to adequately secure controlled
11 substances or other prescription drugs from diversion.

12 (17) Acquiring or distributing prescription drugs not
13 obtained from a source licensed by the Department.

14 (18) Failing to properly store drugs.

15 (19) Failing to maintain the licensed premises with
16 proper storage and security controls.

17 No consideration shall be given to convictions entered
18 prior to the date of the application, where the applicant has
19 completed any sentence imposed for that conviction, including
20 any period of mandatory supervised release.

21 (b) The Department may refuse to issue or may suspend the
22 license or registration of any person who fails to file a
23 return, or to pay the tax, penalty or interest shown in a filed
24 return, or to pay any final assessment of tax, penalty or
25 interest, as required by any tax Act administered by the
26 Illinois Department of Revenue, until the time the requirements

1 of the tax Act are satisfied.

2 (c) The Department shall revoke the license or certificate
3 of registration issued under this Act or any prior Act of this
4 State of any person who has been convicted a second time of
5 committing any felony under the Illinois Controlled Substances
6 Act or the Methamphetamine Control and Community Protection Act
7 or who has been convicted a second time of committing a Class 1
8 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid
9 Code. A person whose license or certificate of registration
10 issued under this Act or any prior Act of this State is revoked
11 under this subsection (c) shall be prohibited from engaging in
12 the practice of pharmacy in this State.

13 (Source: P.A. 97-804, eff. 1-1-13; 97-813, eff. 7-13-12;
14 98-463, eff. 8-16-13.)

15 Section 175. The Perfusionist Practice Act is amended by
16 changing Section 105 as follows:

17 (225 ILCS 125/105)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 105. Disciplinary actions.

20 (a) The Department may refuse to issue, renew, or restore a
21 license, or may revoke or suspend a license, or may place on
22 probation, reprimand, or take other disciplinary or
23 non-disciplinary action with regard to a person licensed under
24 this Act, including but not limited to the imposition of fines

1 not to exceed \$10,000 for each violation, for one or any
2 combination of the following causes:

3 (1) Making a material misstatement in furnishing
4 information to the Department.

5 (2) Violation of this Act or any rule promulgated under
6 this Act.

7 (3) Conviction of, or entry of a plea of guilty or nolo
8 contendere to, any crime that is a felony under the laws of
9 the United States or any state or territory thereof, or any
10 crime that is a misdemeanor of which an essential element
11 is dishonesty, or any crime that is directly related to the
12 practice as a perfusionist.

13 (4) Making a misrepresentation for the purpose of
14 obtaining, renewing, or restoring a license.

15 (5) Aiding or assisting another person in violating a
16 provision of this Act or its rules.

17 (6) Failing to provide information within 60 days in
18 response to a written request made by the Department.

19 (7) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public, as defined by rule of the
22 Department.

23 (8) Discipline by another state, the District of
24 Columbia, or territory, or a foreign nation, if at least
25 one of the grounds for discipline is the same or
26 substantially equivalent to those set forth in this

1 Section.

2 (9) Directly or indirectly giving to or receiving from
3 a person, firm, corporation, partnership, or association a
4 fee, commission, rebate, or other form of compensation for
5 professional services not actually or personally rendered.
6 Nothing in this paragraph (9) affects any bona fide
7 independent contractor or employment arrangements among
8 health care professionals, health facilities, health care
9 providers, or other entities, except as otherwise
10 prohibited by law. Any employment arrangements may include
11 provisions for compensation, health insurance, pension, or
12 other employment benefits for the provision of services
13 within the scope of the licensee's practice under this Act.
14 Nothing in this paragraph (9) shall be construed to require
15 an employment arrangement to receive professional fees for
16 services rendered.

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

20 (11) Wilfully making or filing false records or reports
21 in his or her practice, including but not limited to false
22 records or reports filed with State agencies or
23 departments.

24 (12) Wilfully making or signing a false statement,
25 certificate, or affidavit to induce payment.

26 (13) Wilfully failing to report an instance of

1 suspected child abuse or neglect as required under the
2 Abused and Neglected Child Reporting Act.

3 (14) Being named as a perpetrator in an indicated
4 report by the Department of Children and Family Services
5 under the Abused and Neglected Child Reporting Act and upon
6 proof by clear and convincing evidence that the licensee
7 has caused a child to be an abused child or neglected child
8 as defined in the Abused and Neglected Child Reporting Act.

9 (15) Employment of fraud, deception, or any unlawful
10 means in applying for or securing a license as a
11 perfusionist.

12 (16) Allowing another person to use his or her license
13 to practice.

14 (17) Failure to report to the Department (A) any
15 adverse final action taken against the licensee by another
16 licensing jurisdiction, government agency, law enforcement
17 agency, or any court or (B) liability for conduct that
18 would constitute grounds for action as set forth in this
19 Section.

20 (18) Inability to practice the profession with
21 reasonable judgment, skill or safety as a result of a
22 physical illness, including but not limited to
23 deterioration through the aging process or loss of motor
24 skill, or a mental illness or disability.

25 (19) Inability to practice the profession for which he
26 or she is licensed with reasonable judgment, skill, or

1 safety as a result of habitual or excessive use or
2 addiction to alcohol, narcotics, stimulants, or any other
3 chemical agent or drug.

4 (20) Gross malpractice.

5 (21) Immoral conduct in the commission of an act
6 related to the licensee's practice, including but not
7 limited to sexual abuse, sexual misconduct, or sexual
8 exploitation.

9 (22) Violation of the Health Care Worker Self-Referral
10 Act.

11 (23) Solicitation of business or professional
12 services, other than permitted advertising.

13 (24) Conviction of or cash compromise of a charge or
14 violation of the Illinois Controlled Substances Act.

15 (25) Gross, willful, or continued overcharging for
16 professional services, including filing false statements
17 for collection of fees for which services are not rendered.

18 (26) Practicing under a false name or, except as
19 allowed by law, an assumed name.

20 (27) Violating any provision of this Act or the rules
21 promulgated under this Act, including, but not limited to,
22 advertising.

23 No consideration shall be given to convictions entered
24 prior to the date of the application, where the applicant has
25 completed any sentence imposed for that conviction, including
26 any period of mandatory supervised release.

1 (b) A licensee or applicant who, because of a physical or
2 mental illness or disability, including, but not limited to,
3 deterioration through the aging process or loss of motor skill,
4 is unable to practice the profession with reasonable judgment,
5 skill, or safety, may be required by the Department to submit
6 to care, counseling or treatment by physicians approved or
7 designated by the Department, as a condition, term, or
8 restriction for continued, reinstated, or renewed licensure to
9 practice. Submission to care, counseling or treatment as
10 required by the Department shall not be considered discipline
11 of the licensee. If the licensee refuses to enter into a care,
12 counseling or treatment agreement or fails to abide by the
13 terms of the agreement the Department may file a complaint to
14 suspend or revoke the license or otherwise discipline the
15 licensee. The Secretary may order the license suspended
16 immediately, pending a hearing by the Department. Fines shall
17 not be assessed in the disciplinary actions involving physical
18 or mental illness or impairment.

19 (b-5) The Department may refuse to issue or may suspend,
20 without a hearing as provided for in the Civil Administrative
21 Code of Illinois, the license of a person who fails to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Department of Revenue, until such time as the requirements of
26 the tax Act are satisfied in accordance with subsection (g) of

1 Section 2105-15 of the Department of Professional Regulation
2 Law of the Civil Administrative Code of Illinois (20 ILCS
3 2105/2105-15).

4 (c) The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code, as amended, operates as an automatic suspension. The
8 suspension will end only upon a finding by a court that the
9 licensee is no longer subject to the involuntary admission or
10 judicial admission and issues an order so finding and
11 discharging the licensee; and upon the recommendation of the
12 Board to the Secretary that the licensee be allowed to resume
13 his or her practice.

14 (d) In enforcing this Section, the Department or Board,
15 upon a showing of a possible violation, may order a licensee or
16 applicant to submit to a mental or physical examination, or
17 both, at the expense of the Department. The Department or Board
18 may order the examining physician to present testimony
19 concerning his or her examination of the licensee or applicant.
20 No information shall be excluded by reason of any common law or
21 statutory privilege relating to communications between the
22 licensee or applicant and the examining physician. The
23 examining physicians shall be specifically designated by the
24 Board or Department. The licensee or applicant may have, at his
25 or her own expense, another physician of his or her choice
26 present during all aspects of the examination. Failure of a

1 licensee or applicant to submit to any such examination when
2 directed, without reasonable cause as defined by rule, shall be
3 grounds for either the immediate suspension of his or her
4 license or immediate denial of his or her application.

5 If the Secretary immediately suspends the license of a
6 licensee for his or her failure to submit to a mental or
7 physical examination when directed, a hearing must be convened
8 by the Department within 15 days after the suspension and
9 completed without appreciable delay.

10 If the Secretary otherwise suspends a license pursuant to
11 the results of the licensee's mental or physical examination, a
12 hearing must be convened by the Department within 15 days after
13 the suspension and completed without appreciable delay. The
14 Department and Board shall have the authority to review the
15 licensee's record of treatment and counseling regarding the
16 relevant impairment or impairments to the extent permitted by
17 applicable federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 Any licensee suspended or otherwise affected under this
20 subsection (d) shall be afforded an opportunity to demonstrate
21 to the Department or Board that he or she can resume practice
22 in compliance with the acceptable and prevailing standards
23 under the provisions of his or her license.

24 (Source: P.A. 98-756, eff. 7-16-14.)

25 Section 180. The Registered Surgical Assistant and

1 Registered Surgical Technologist Title Protection Act is
2 amended by changing Section 75 as follows:

3 (225 ILCS 130/75)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 75. Grounds for disciplinary action.

6 (a) The Department may refuse to issue, renew, or restore a
7 registration, may revoke or suspend a registration, or may
8 place on probation, reprimand, or take other disciplinary or
9 non-disciplinary action with regard to a person registered
10 under this Act, including but not limited to the imposition of
11 fines not to exceed \$10,000 for each violation and the
12 assessment of costs as provided for in Section 90, for any one
13 or combination of the following causes:

14 (1) Making a material misstatement in furnishing
15 information to the Department.

16 (2) Violating a provision of this Act or rules adopted
17 under this Act.

18 (3) Conviction by plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment or by
20 sentencing of any crime, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States that is
24 (i) a felony or (ii) a misdemeanor, an essential element of
25 which is dishonesty, or that is directly related to the

1 practice of the profession.

2 (4) Fraud or misrepresentation in applying for,
3 renewing, restoring, reinstating, or procuring a
4 registration under this Act.

5 (5) Aiding or assisting another person in violating a
6 provision of this Act or its rules.

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

9 (7) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public, as defined by rule of the
12 Department.

13 (8) Discipline by another United States jurisdiction,
14 governmental agency, unit of government, or foreign
15 nation, if at least one of the grounds for discipline is
16 the same or substantially equivalent to those set forth in
17 this Section.

18 (9) Directly or indirectly giving to or receiving from
19 a person, firm, corporation, partnership, or association a
20 fee, commission, rebate, or other form of compensation for
21 professional services not actually or personally rendered.
22 Nothing in this paragraph (9) affects any bona fide
23 independent contractor or employment arrangements among
24 health care professionals, health facilities, health care
25 providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or
2 other employment benefits for the provision of services
3 within the scope of the registrant's practice under this
4 Act. Nothing in this paragraph (9) shall be construed to
5 require an employment arrangement to receive professional
6 fees for services rendered.

7 (10) A finding by the Department that the registrant,
8 after having his or her registration placed on probationary
9 status, has violated the terms of probation.

10 (11) Willfully making or filing false records or
11 reports in his or her practice, including but not limited
12 to false records or reports filed with State agencies.

13 (12) Willfully making or signing a false statement,
14 certificate, or affidavit to induce payment.

15 (13) Willfully failing to report an instance of
16 suspected child abuse or neglect as required under the
17 Abused and Neglected Child Reporting Act.

18 (14) Being named as a perpetrator in an indicated
19 report by the Department of Children and Family Services
20 under the Abused and Neglected Child Reporting Act and upon
21 proof by clear and convincing evidence that the registrant
22 has caused a child to be an abused child or neglected child
23 as defined in the Abused and Neglected Child Reporting Act.

24 (15) (Blank).

25 (16) Failure to report to the Department (A) any
26 adverse final action taken against the registrant by

1 another registering or licensing jurisdiction, government
2 agency, law enforcement agency, or any court or (B)
3 liability for conduct that would constitute grounds for
4 action as set forth in this Section.

5 (17) Habitual or excessive use or abuse of drugs
6 defined in law as controlled substances, alcohol, or any
7 other substance that results in the inability to practice
8 with reasonable judgment, skill, or safety.

9 (18) Physical or mental illness, including but not
10 limited to deterioration through the aging process or loss
11 of motor skills, which results in the inability to practice
12 the profession for which he or she is registered with
13 reasonable judgment, skill, or safety.

14 (19) Gross malpractice.

15 (20) Immoral conduct in the commission of an act
16 related to the registrant's practice, including but not
17 limited to sexual abuse, sexual misconduct, or sexual
18 exploitation.

19 (21) Violation of the Health Care Worker Self-Referral
20 Act.

21 No consideration shall be given to convictions entered
22 prior to the date of the application, where the applicant has
23 completed any sentence imposed for that conviction, including
24 any period of mandatory supervised release.

25 (b) The Department may refuse to issue or may suspend
26 without hearing the registration of a person who fails to file

1 a return, to pay the tax, penalty, or interest shown in a filed
2 return, or to pay a final assessment of the tax, penalty, or
3 interest as required by a tax Act administered by the
4 Department of Revenue, until the requirements of the tax Act
5 are satisfied in accordance with subsection (g) of Section
6 2105-15 of the Department of Regulation Law of the Civil
7 Administrative Code of Illinois.

8 (c) The determination by a circuit court that a registrant
9 is subject to involuntary admission or judicial admission as
10 provided in the Mental Health and Developmental Disabilities
11 Code operates as an automatic suspension. The suspension will
12 end only upon (1) a finding by a court that the patient is no
13 longer subject to involuntary admission or judicial admission,
14 (2) issuance of an order so finding and discharging the
15 patient, and (3) filing of a petition for restoration
16 demonstrating fitness to practice.

17 (d) The Department shall deny a registration or renewal
18 authorized by this Act to a person who has defaulted on an
19 educational loan or scholarship provided or guaranteed by the
20 Illinois Student Assistance Commission or any governmental
21 agency of this State in accordance with paragraph (5) of
22 subsection (a) of Section 2105-15 of the Department of
23 Regulation Law of the Civil Administrative Code of Illinois.

24 (e) In cases where the Department of Healthcare and Family
25 Services has previously determined a registrant or a potential
26 registrant is more than 30 days delinquent in the payment of

1 child support and has subsequently certified the delinquency to
2 the Department, the Department may refuse to issue or renew or
3 may revoke or suspend that person's registration or may take
4 other disciplinary action against that person based solely upon
5 the certification of delinquency made by the Department of
6 Healthcare and Family Services in accordance with paragraph (5)
7 of subsection (a) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code of
9 Illinois.

10 (f) In enforcing this Section, the Department, upon a
11 showing of a possible violation, may compel any individual
12 registered under this Act or any individual who has applied for
13 registration to submit to a mental or physical examination and
14 evaluation, or both, that may include a substance abuse or
15 sexual offender evaluation, at the expense of the Department.
16 The Department shall specifically designate the examining
17 physician licensed to practice medicine in all of its branches
18 or, if applicable, the multidisciplinary team involved in
19 providing the mental or physical examination and evaluation, or
20 both. The multidisciplinary team shall be led by a physician
21 licensed to practice medicine in all of its branches and may
22 consist of one or more or a combination of physicians licensed
23 to practice medicine in all of its branches, licensed
24 chiropractic physicians, licensed clinical psychologists,
25 licensed clinical social workers, licensed clinical
26 professional counselors, and other professional and

1 administrative staff. Any examining physician or member of the
2 multidisciplinary team may require any person ordered to submit
3 to an examination and evaluation pursuant to this Section to
4 submit to any additional supplemental testing deemed necessary
5 to complete any examination or evaluation process, including,
6 but not limited to, blood testing, urinalysis, psychological
7 testing, or neuropsychological testing.

8 The Department may order the examining physician or any
9 member of the multidisciplinary team to provide to the
10 Department any and all records, including business records,
11 that relate to the examination and evaluation, including any
12 supplemental testing performed. The Department may order the
13 examining physician or any member of the multidisciplinary team
14 to present testimony concerning this examination and
15 evaluation of the registrant or applicant, including testimony
16 concerning any supplemental testing or documents relating to
17 the examination and evaluation. No information, report,
18 record, or other documents in any way related to the
19 examination and evaluation shall be excluded by reason of any
20 common law or statutory privilege relating to communication
21 between the registrant or applicant and the examining physician
22 or any member of the multidisciplinary team. No authorization
23 is necessary from the registrant or applicant ordered to
24 undergo an evaluation and examination for the examining
25 physician or any member of the multidisciplinary team to
26 provide information, reports, records, or other documents or to

1 provide any testimony regarding the examination and
2 evaluation. The individual to be examined may have, at his or
3 her own expense, another physician of his or her choice present
4 during all aspects of the examination.

5 Failure of any individual to submit to mental or physical
6 examination and evaluation, or both, when directed, shall
7 result in an automatic suspension without a hearing until such
8 time as the individual submits to the examination. If the
9 Department finds a registrant unable to practice because of the
10 reasons set forth in this Section, the Department shall require
11 such registrant to submit to care, counseling, or treatment by
12 physicians approved or designated by the Department as a
13 condition for continued, reinstated, or renewed registration.

14 When the Secretary immediately suspends a registration
15 under this Section, a hearing upon such person's registration
16 must be convened by the Department within 15 days after such
17 suspension and completed without appreciable delay. The
18 Department shall have the authority to review the registrant's
19 record of treatment and counseling regarding the impairment to
20 the extent permitted by applicable federal statutes and
21 regulations safeguarding the confidentiality of medical
22 records.

23 Individuals registered under this Act and affected under
24 this Section shall be afforded an opportunity to demonstrate to
25 the Department that they can resume practice in compliance with
26 acceptable and prevailing standards under the provisions of

1 their registration.

2 (g) All fines imposed under this Section shall be paid
3 within 60 days after the effective date of the order imposing
4 the fine or in accordance with the terms set forth in the order
5 imposing the fine.

6 (Source: P.A. 98-364, eff. 12-31-13.)

7 Section 185. The Genetic Counselor Licensing Act is amended
8 by changing Section 95 as follows:

9 (225 ILCS 135/95)

10 (Section scheduled to be repealed on January 1, 2025)

11 Sec. 95. Grounds for discipline.

12 (a) The Department may refuse to issue, renew, or may
13 revoke, suspend, place on probation, reprimand, or take other
14 disciplinary or non-disciplinary action as the Department
15 deems appropriate, including the issuance of fines not to
16 exceed \$10,000 for each violation, with regard to any license
17 for any one or more of the following:

18 (1) Material misstatement in furnishing information to
19 the Department or to any other State agency.

20 (2) Violations or negligent or intentional disregard
21 of this Act, or any of its rules.

22 (3) Conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or
24 sentencing, including, but not limited to, convictions,

1 preceding sentences of supervision, conditional discharge,
2 or first offender probation, under the laws of any
3 jurisdiction of the United States: (i) that is a felony or
4 (ii) that is a misdemeanor, an essential element of which
5 is dishonesty, or that is directly related to the practice
6 of genetic counseling.

7 (4) Making any misrepresentation for the purpose of
8 obtaining a license, or violating any provision of this Act
9 or its rules.

10 (5) Negligence in the rendering of genetic counseling
11 services.

12 (6) Failure to provide genetic testing results and any
13 requested information to a referring physician licensed to
14 practice medicine in all its branches, advanced practice
15 nurse, or physician assistant.

16 (7) Aiding or assisting another person in violating any
17 provision of this Act or any rules.

18 (8) Failing to provide information within 60 days in
19 response to a written request made by the Department.

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public and violating the rules of
23 professional conduct adopted by the Department.

24 (10) Failing to maintain the confidentiality of any
25 information received from a client, unless otherwise
26 authorized or required by law.

1 (10.5) Failure to maintain client records of services
2 provided and provide copies to clients upon request.

3 (11) Exploiting a client for personal advantage,
4 profit, or interest.

5 (12) Habitual or excessive use or addiction to alcohol,
6 narcotics, stimulants, or any other chemical agent or drug
7 which results in inability to practice with reasonable
8 skill, judgment, or safety.

9 (13) Discipline by another governmental agency or unit
10 of government, by any jurisdiction of the United States, or
11 by a foreign nation, if at least one of the grounds for the
12 discipline is the same or substantially equivalent to those
13 set forth in this Section.

14 (14) Directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership, or association
16 any fee, commission, rebate, or other form of compensation
17 for any professional service not actually rendered.
18 Nothing in this paragraph (14) affects any bona fide
19 independent contractor or employment arrangements among
20 health care professionals, health facilities, health care
21 providers, or other entities, except as otherwise
22 prohibited by law. Any employment arrangements may include
23 provisions for compensation, health insurance, pension, or
24 other employment benefits for the provision of services
25 within the scope of the licensee's practice under this Act.
26 Nothing in this paragraph (14) shall be construed to

1 require an employment arrangement to receive professional
2 fees for services rendered.

3 (15) A finding by the Department that the licensee,
4 after having the license placed on probationary status has
5 violated the terms of probation.

6 (16) Failing to refer a client to other health care
7 professionals when the licensee is unable or unwilling to
8 adequately support or serve the client.

9 (17) Willfully filing false reports relating to a
10 licensee's practice, including but not limited to false
11 records filed with federal or State agencies or
12 departments.

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

16 (19) Being named as a perpetrator in an indicated
17 report by the Department of Children and Family Services
18 pursuant to the Abused and Neglected Child Reporting Act,
19 and upon proof by clear and convincing evidence that the
20 licensee has caused a child to be an abused child or
21 neglected child as defined in the Abused and Neglected
22 Child Reporting Act.

23 (20) Physical or mental disability, including
24 deterioration through the aging process or loss of
25 abilities and skills which results in the inability to
26 practice the profession with reasonable judgment, skill,

1 or safety.

2 (21) Solicitation of professional services by using
3 false or misleading advertising.

4 (22) Failure to file a return, or to pay the tax,
5 penalty of interest shown in a filed return, or to pay any
6 final assessment of tax, penalty or interest, as required
7 by any tax Act administered by the Illinois Department of
8 Revenue or any successor agency or the Internal Revenue
9 Service or any successor agency.

10 (23) Fraud or making any misrepresentation in applying
11 for or procuring a license under this Act or in connection
12 with applying for renewal of a license under this Act.

13 (24) Practicing or attempting to practice under a name
14 other than the full name as shown on the license or any
15 other legally authorized name.

16 (25) Gross overcharging for professional services,
17 including filing statements for collection of fees or
18 monies for which services are not rendered.

19 (26) (Blank).

20 (27) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered.

23 (28) Allowing one's license under this Act to be used
24 by an unlicensed person in violation of this Act.

25 No consideration shall be given to convictions entered
26 prior to the date of the application, where the applicant has

1 completed any sentence imposed for that conviction, including
2 any period of mandatory supervised release.

3 (b) The Department shall deny, without hearing, any
4 application or renewal for a license under this Act to any
5 person who has defaulted on an educational loan guaranteed by
6 the Illinois ~~Student State~~ Assistance Commission; however, the
7 Department may issue a license or renewal if the person in
8 default has established a satisfactory repayment record as
9 determined by the Illinois Student Assistance Commission.

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

19 (d) The Department may refuse to issue or renew or may
20 suspend without hearing the license of any person who fails to
21 file a return, to pay the tax penalty or interest shown in a
22 filed return, or to pay any final assessment of the tax,
23 penalty, or interest as required by any Act regarding the
24 payment of taxes administered by the Illinois Department of
25 Revenue until the requirements of the Act are satisfied in
26 accordance with subsection (g) of Section 2105-15 of the Civil

1 Administrative Code of Illinois.

2 (e) In cases where the Department of Healthcare and Family
3 Services has previously determined that a licensee or a
4 potential licensee is more than 30 days delinquent in the
5 payment of child support and has subsequently certified the
6 delinquency to the Department, the Department may refuse to
7 issue or renew or may revoke or suspend that person's license
8 or may take other disciplinary action against that person based
9 solely upon the certification of delinquency made by the
10 Department of Healthcare and Family Services in accordance with
11 item (5) of subsection (a) of Section 2105-15 of the Department
12 of Professional Regulation Law of the Civil Administrative Code
13 of Illinois.

14 (f) All fines or costs imposed under this Section shall be
15 paid within 60 days after the effective date of the order
16 imposing the fine or costs or in accordance with the terms set
17 forth in the order imposing the fine.

18 (Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15;
19 99-633, eff. 1-1-17; revised 10-27-16.)

20 Section 190. The Pyrotechnic Distributor and Operator
21 Licensing Act is amended by changing Sections 35 as follows:

22 (225 ILCS 227/35)

23 Sec. 35. Licensure requirements and fees.

24 (a) Each application for a license to practice under this

1 Act shall be in writing and signed by the applicant on forms
2 provided by the Office.

3 (b) After January 1, 2006, all pyrotechnic displays and
4 pyrotechnic services, both indoor and outdoor, must comply with
5 the requirements set forth in this Act.

6 (c) After January 1, 2006, no person may engage in
7 pyrotechnic distribution without first applying for and
8 obtaining a license from the Office. Applicants for a license
9 must submit to the Office the following:

10 (1) A current BATFE license for the type of pyrotechnic
11 service or pyrotechnic display provided.

12 (2) Proof of \$1,000,000 in product liability
13 insurance.

14 (3) Proof of \$1,000,000 in general liability insurance
15 that covers the pyrotechnic display or pyrotechnic service
16 provided.

17 (4) Proof of Illinois Workers' Compensation Insurance.

18 (5) A license fee set by the Office.

19 (6) Proof of a current United States Department of
20 Transportation (DOT) Identification Number.

21 (7) Proof of a current USDOT Hazardous Materials
22 Registration Number.

23 (8) Proof of having the requisite knowledge, either
24 through training, examination, or continuing education, as
25 established by Office rule.

26 (c-3) After January 1, 2010, no production company may

1 provide pyrotechnic displays or pyrotechnic services as part of
2 any production without either (i) obtaining a production
3 company license from the Office under which all pyrotechnic
4 displays and pyrotechnic services are performed by a licensed
5 lead pyrotechnic operator or (ii) hiring a pyrotechnic
6 distributor licensed in accordance with this Act to perform the
7 pyrotechnic displays or pyrotechnic services. Applicants for a
8 production company license must submit to the Office the
9 following:

10 (1) Proof of \$2,000,000 in commercial general
11 liability insurance that covers any damage or injury
12 resulting from the pyrotechnic displays or pyrotechnic
13 services provided.

14 (2) Proof of Illinois Worker's Compensation insurance.

15 (3) A license fee set by the Office.

16 (4) Proof of a current USDOT Identification Number,
17 unless:

18 (A) proof of such is provided by the lead
19 pyrotechnic operator employed by the production
20 company or insured as an additional named insured on
21 the production company's general liability insurance,
22 as required under paragraph (1) of this subsection; or

23 (B) the production company certifies under penalty
24 of perjury that it engages only in flame effects or
25 never transports materials in quantities that require
26 registration with USDOT, or both.

1 (5) Proof of a current USDOT Hazardous Materials
2 Registration Number, unless:

3 (A) proof of such is provided by the lead
4 pyrotechnic operator employed by the production
5 company or insured as an additional named insured on
6 the production company's general liability insurance,
7 as required under paragraph (1) of this subsection; or

8 (B) the production company certifies under penalty
9 of perjury that it engages only in flame effects or
10 never transports materials in quantities that require
11 registration with USDOT, or both.

12 (6) Identification of the licensed lead pyrotechnic
13 operator employed by the production company or insured as
14 an additional named insured on the production company's
15 general liability insurance, as required under paragraph
16 (1) of this subsection.

17 The insurer shall not cancel the insured's coverage or
18 remove any additional named insured or additional insured from
19 the policy coverage without notifying the Office in writing at
20 least 15 days before cancellation.

21 (c-5) After January 1, 2006, no individual may act as a
22 lead operator in a pyrotechnic display without first applying
23 for and obtaining a lead pyrotechnic operator's license from
24 the Office. The Office shall establish separate licenses for
25 lead pyrotechnic operators for indoor and outdoor pyrotechnic
26 displays. Applicants for a license must:

1 (1) Pay the fees set by the Office.

2 (2) Have the requisite training or continuing
3 education as established in the Office's rules.

4 (3) (Blank).

5 (d) A person is qualified to receive a license under this
6 Act if the person meets all of the following minimum
7 requirements:

8 (1) Is at least 21 years of age.

9 (2) Has not willfully violated any provisions of this
10 Act.

11 (3) Has not made any material misstatement or knowingly
12 withheld information in connection with any original or
13 renewal application.

14 (4) Has not been declared incompetent by any competent
15 court by reasons of mental or physical defect or disease
16 unless a court has since declared the person competent.

17 (5) Does not have an addiction to or dependency on
18 alcohol or drugs that is likely to endanger the public at a
19 pyrotechnic display.

20 (6) (Blank). ~~Has not been convicted in any jurisdiction~~
21 ~~of any felony within the prior 5 years.~~

22 (7) Is not a fugitive from justice.

23 (8) Has, or has applied for, a BATFE explosives license
24 or a Letter of Clearance from the BATFE.

25 (9) If a lead pyrotechnic operator is employed by a
26 political subdivision of the State or by a licensed

1 production company or is insured as an additional named
2 insured on the production company's general liability
3 insurance, as required under paragraph (1) of subsection
4 (c-3) of this Section, he or she shall have a BATFE license
5 for the pyrotechnic services or pyrotechnic display
6 provided.

7 (10) If a production company has not provided proof of
8 a current USDOT Identification Number and a current USDOT
9 Hazardous Materials Registration Number, as required by
10 paragraphs (5) and (6) of subsection (c-3) of this Section,
11 then the lead pyrotechnic operator employed by the
12 production company or insured as an additional named
13 insured on the production company's general liability
14 insurance, as required under paragraph (1) of subsection
15 (c-3) of this Section, shall provide such proof to the
16 Office.

17 No consideration shall be given to convictions entered
18 prior to the date of the application, where the applicant has
19 completed any sentence imposed for that conviction, including
20 any period of mandatory supervised release.

21 (e) A person is qualified to assist a lead pyrotechnic
22 operator if the person meets all of the following minimum
23 requirements:

24 (1) Is at least 18 years of age.

25 (2) Has not willfully violated any provision of this
26 Act.

1 (3) Has not been declared incompetent by any competent
2 court by reasons of mental or physical defect or disease
3 unless a court has since declared the person competent.

4 (4) Does not have an addiction to or dependency on
5 alcohol or drugs that is likely to endanger the public at a
6 pyrotechnic display.

7 (5) Has not been convicted in any jurisdiction of any
8 felony within the prior 5 years.

9 (6) Is not a fugitive from justice.

10 (7) Is employed as an employee of the licensed
11 pyrotechnic distributor or the licensed production
12 company, or insured as an additional named insured on the
13 pyrotechnic distributor's product liability and general
14 liability insurance, as required under paragraphs (2) and
15 (3) of subsection (c) of this Section, or insured as an
16 additional named insured on the production company's
17 general liability insurance, as required under paragraph
18 (1) of subsection (c-3) of this Section.

19 (8) Has been registered with the Office by the licensed
20 distributor or the licensed production company on a form
21 provided by the Office prior to the time when the assistant
22 begins work on the pyrotechnic display or pyrotechnic
23 service.

24 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12.)

25 Section 195. The Solid Waste Site Operator Certification

1 Law is amended by changing Section 1005 as follows:

2 (225 ILCS 230/1005) (from Ch. 111, par. 7855)

3 Sec. 1005. Agency authority. The Agency is authorized to
4 exercise the following functions, powers and duties with
5 respect to solid waste site operator certification:

6 (a) To conduct examinations to ascertain the
7 qualifications of applicants for certificates of competency as
8 solid waste site operators;

9 (b) To conduct courses of training on the practical aspects
10 of the design, operation and maintenance of sanitary landfills;

11 (c) To issue a certificate to any applicant who has
12 satisfactorily met all the requirements pertaining to a
13 certificate of competency as a solid waste site operator;

14 (d) To suspend, revoke or refuse to issue any certificate
15 for any one or any combination of the following causes:

16 (1) The practice of any fraud or deceit in obtaining or
17 attempting to obtain a certificate of competency;

18 (2) Negligence or misconduct in the operation of a
19 sanitary landfill;

20 (3) Repeated failure to comply with any of the
21 requirements applicable to the operation of a sanitary
22 landfill, except for Board requirements applicable to the
23 collection of litter;

24 (4) Repeated violations of federal, State or local
25 laws, regulations, standards, or ordinances regarding the

1 operation of refuse disposal facilities or sites;

2 (5) Conviction in this or another State of any crime
3 which is a felony under the laws of this State or
4 conviction of a felony in a federal court;

5 (6) Proof of gross carelessness or incompetence in
6 handling, storing, processing, transporting, or disposing
7 of any hazardous waste; or

8 (7) Being declared to be a person under a legal
9 disability by a court of competent jurisdiction and not
10 thereafter having been lawfully declared to be a person not
11 under legal disability or to have recovered.

12 No consideration shall be given to convictions entered
13 prior to the date of the application, where the applicant has
14 completed any sentence imposed for that conviction, including
15 any period of mandatory supervised release.

16 (e) To adopt rules necessary to perform its functions,
17 powers, and duties with respect to solid waste site operator
18 certifications.

19 (Source: P.A. 86-1363.)

20 Section 200. The Illinois Architecture Practice Act of 1989
21 is amended by changing Section 22 as follows:

22 (225 ILCS 305/22) (from Ch. 111, par. 1322)

23 (Section scheduled to be repealed on January 1, 2020)

24 Sec. 22. Refusal, suspension and revocation of licenses;

1 causes.

2 (a) The Department may, singularly or in combination,
3 refuse to issue, renew or restore, or may suspend, revoke,
4 place on probation, or take other disciplinary or
5 non-disciplinary action as deemed appropriate, including, but
6 not limited to, the imposition of fines not to exceed \$10,000
7 for each violation, as the Department may deem proper, with
8 regard to a license for any one or combination of the following
9 causes:

10 (1) material misstatement in furnishing information to
11 the Department;

12 (2) negligence, incompetence or misconduct in the
13 practice of architecture;

14 (3) failure to comply with any of the provisions of
15 this Act or any of the rules;

16 (4) making any misrepresentation for the purpose of
17 obtaining licensure;

18 (5) purposefully making false statements or signing
19 false statements, certificates or affidavits to induce
20 payment;

21 (6) conviction of or plea of guilty or nolo contendere
22 to any crime that is a felony under the laws of the United
23 States or any state or territory thereof or that is a
24 misdemeanor, an essential element of which is dishonesty,
25 or any crime that is directly related to the practice of
26 the profession of architecture;

1 (7) aiding or assisting another person in violating any
2 provision of this Act or its rules;

3 (8) signing, affixing the architect's seal or
4 permitting the architect's seal to be affixed to any
5 technical submission not prepared by the architect or under
6 that architect's responsible control;

7 (9) engaging in dishonorable, unethical or
8 unprofessional conduct of a character likely to deceive,
9 defraud or harm the public;

10 (10) habitual or excessive use or addiction to alcohol,
11 narcotics, stimulants, or any other chemical agent or drug
12 that results in the inability to practice with reasonable
13 judgment, skill, or safety;

14 (11) making a statement of compliance pursuant to the
15 Environmental Barriers Act that technical submissions
16 prepared by the architect or prepared under the architect's
17 responsible control for construction or alteration of an
18 occupancy required to be in compliance with the
19 Environmental Barriers Act are in compliance with the
20 Environmental Barriers Act when such technical submissions
21 are not in compliance;

22 (12) a finding by the Board that an applicant or
23 registrant has failed to pay a fine imposed by the
24 Department or a registrant, whose license has been placed
25 on probationary status, has violated the terms of
26 probation;

1 (13) discipline by another state, territory, foreign
2 country, the District of Columbia, the United States
3 government, or any other governmental agency, if at least
4 one of the grounds for discipline is the same or
5 substantially equivalent to those set forth herein;

6 (14) failure to provide information in response to a
7 written request made by the Department within 30 days after
8 the receipt of such written request;

9 (15) physical illness, including, but not limited to,
10 deterioration through the aging process or loss of motor
11 skill, mental illness, or disability which results in the
12 inability to practice the profession with reasonable
13 judgment, skill, and safety, including without limitation
14 deterioration through the aging process, mental illness,
15 or disability.

16 No consideration shall be given to convictions entered
17 prior to the date of the application, where the applicant has
18 completed any sentence imposed for that conviction, including
19 any period of mandatory supervised release.

20 (a-5) In enforcing this Section, the Department or Board,
21 upon a showing of a possible violation, may order a licensee or
22 applicant to submit to a mental or physical examination, or
23 both, at the expense of the Department. The Department or Board
24 may order the examining physician to present testimony
25 concerning his or her examination of the licensee or applicant.
26 No information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the
2 licensee or applicant and the examining physician. The
3 examining physicians shall be specifically designated by the
4 Board or Department. The licensee or applicant may have, at his
5 or her own expense, another physician of his or her choice
6 present during all aspects of the examination. Failure of a
7 licensee or applicant to submit to any such examination when
8 directed, without reasonable cause as defined by rule, shall be
9 grounds for either the immediate suspension of his or her
10 license or immediate denial of his or her application.

11 If the Secretary immediately suspends the license of a
12 licensee for his or her failure to submit to a mental or
13 physical examination when directed, a hearing must be convened
14 by the Department within 15 days after the suspension and
15 completed without appreciable delay.

16 If the Secretary otherwise suspends a license pursuant to
17 the results of the licensee's mental or physical examination, a
18 hearing must be convened by the Department within 15 days after
19 the suspension and completed without appreciable delay. The
20 Department and Board shall have the authority to review the
21 licensee's record of treatment and counseling regarding the
22 relevant impairment or impairments to the extent permitted by
23 applicable federal statutes and regulations safeguarding the
24 confidentiality of medical records.

25 Any licensee suspended under this subsection (a-5) shall be
26 afforded an opportunity to demonstrate to the Department or

1 Board that he or she can resume practice in compliance with the
2 acceptable and prevailing standards under the provisions of his
3 or her license.

4 (b) The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission, as
6 provided in the Mental Health and Developmental Disabilities
7 Code, operates as an automatic suspension. Such suspension will
8 end only upon a finding by a court that the patient is no
9 longer subject to involuntary admission or judicial admission,
10 the issuance of an order so finding and discharging the
11 patient, and the recommendation of the Board to the Secretary
12 that the licensee be allowed to resume practice.

13 (c) The Department shall deny a license or renewal
14 authorized by this Act to a person who has defaulted on an
15 educational loan or scholarship provided or guaranteed by the
16 Illinois Student Assistance Commission or any governmental
17 agency of this State in accordance with subdivision (a)(5) of
18 Section 2105-15 of the Department of Professional Regulation
19 Law of the Civil Administrative Code of Illinois.

20 (d) In cases where the Department of Healthcare and Family
21 Services (formerly the Department of Public Aid) has previously
22 determined that a licensee or a potential licensee is more than
23 30 days delinquent in the payment of child support and has
24 subsequently certified the delinquency to the Department, the
25 Department shall refuse to issue or renew or shall revoke or
26 suspend that person's license or shall take other disciplinary

1 action against that person based solely upon the certification
2 of delinquency made by the Department of Healthcare and Family
3 Services in accordance with subdivision (a)(5) of Section
4 2105-15 of the Department of Professional Regulation Law of the
5 Civil Administrative Code of Illinois.

6 (e) The Department shall deny a license or renewal
7 authorized by this Act to a person who has failed to file a
8 return, to pay the tax, penalty, or interest shown in a filed
9 return, or to pay any final assessment of tax, penalty, or
10 interest as required by any tax Act administered by the
11 Department of Revenue, until such time as the requirements of
12 the tax Act are satisfied in accordance with subsection (g) of
13 Section 2105-15 of the Department of Professional Regulation
14 Law of the Civil Administrative Code of Illinois.

15 (f) Persons who assist the Department as consultants or
16 expert witnesses in the investigation or prosecution of alleged
17 violations of the Act, licensure matters, restoration
18 proceedings, or criminal prosecutions, shall not be liable for
19 damages in any civil action or proceeding as a result of such
20 assistance, except upon proof of actual malice. The attorney
21 general shall defend such persons in any such action or
22 proceeding.

23 (Source: P.A. 98-756, eff. 7-16-14.)

24 Section 205. The Interior Design Title Act is amended by
25 changing Section 13 as follows:

1 (225 ILCS 310/13) (from Ch. 111, par. 8213)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 13. Refusal, revocation or suspension of
4 registration. The Department may refuse to issue, renew, or
5 restore or may revoke, suspend, place on probation, reprimand
6 or take other disciplinary action as the Department may deem
7 proper, including fines not to exceed \$5,000 for each
8 violation, with regard to any registration for any one or
9 combination of the following causes:

10 (a) Fraud in procuring the certificate of
11 registration.

12 (b) Habitual intoxication or addiction to the use of
13 drugs.

14 (c) Making any misrepresentations or false promises,
15 directly or indirectly, to influence, persuade, or induce
16 patronage.

17 (d) Professional connection or association with, or
18 lending his or her name, to another for illegal use of the
19 title "registered interior designer", or professional
20 connection or association with any person, firm, or
21 corporation holding itself out in any manner contrary to
22 this Act.

23 (e) Obtaining or seeking to obtain checks, money, or
24 any other items of value by false or fraudulent
25 representations.

1 (f) Use of the title under a name other than his or her
2 own.

3 (g) Improper, unprofessional, or dishonorable conduct
4 of a character likely to deceive, defraud, or harm the
5 public.

6 (h) Conviction in this or another state, or federal
7 court, of any crime which is a felony, if the Department
8 determines, after investigation, that such person has not
9 been sufficiently rehabilitated to warrant the public
10 trust.

11 (i) A violation of any provision of this Act or its
12 rules.

13 (j) Revocation by another state, the District of
14 Columbia, territory, or foreign nation of an interior
15 design or residential interior design registration if at
16 least one of the grounds for that revocation is the same as
17 or the equivalent of one of the grounds for revocation set
18 forth in this Act.

19 (k) Mental incompetence as declared by a court of
20 competent jurisdiction.

21 (l) Being named as a perpetrator in an indicated report
22 by the Department of Children and Family Services pursuant
23 to the Abused and Neglected Child Reporting Act, and upon
24 proof by clear and convincing evidence that the registrant
25 has caused a child to be an abused child or neglected child
26 as defined in the Abused and Neglected Child Reporting Act.

1 No consideration shall be given to convictions entered
2 prior to the date of the application, where the applicant has
3 completed any sentence imposed for that conviction, including
4 any period of mandatory supervised release.

5 The Department shall deny a registration or renewal
6 authorized by this Act to any person who has defaulted on an
7 educational loan guaranteed by the Illinois Student Assistance
8 Commission; however, the Department may issue a certificate of
9 registration or renewal if such person has established a
10 satisfactory repayment record as determined by the Illinois
11 Student Assistance Commission.

12 The Department may refuse to issue or may suspend the
13 registration of any person who fails to file a return, or to
14 pay the tax, penalty, or interest showing in a filed return, or
15 to pay any final assessment of tax, penalty, or interest, as
16 required by any tax Act administered by the Illinois Department
17 of Revenue, until such time as the requirements of any such tax
18 Act are satisfied.

19 The entry of a decree by any circuit court establishing
20 that any person holding a certificate of registration under
21 this Act is a person subject to involuntary admission under the
22 Mental Health and Developmental Disabilities Code shall
23 operate as a suspension of that registration. That person may
24 resume using the title "registered interior designer" only upon
25 a finding by the Board that he or she has been determined to be
26 no longer subject to involuntary admission by the court and

1 upon the Board's recommendation to the Director that he or she
2 be permitted to resume using the title "registered interior
3 designer".

4 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

5 Section 210. The Illinois Landscape Architecture Act of
6 1989 is amended by changing Section 18.1 as follows:

7 (225 ILCS 315/18.1)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 18.1. Grounds for Discipline.

10 (a) The Department may refuse to issue or to renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action as deemed appropriate
13 including the impositions of fines not to exceed \$10,000 for
14 each violation, as the Department may deem proper with regard
15 to any license for any one or combination of the following:

16 (1) Material misstatement in furnishing information to
17 the Department or to any other State agency.

18 (2) Negligent or intentional disregard of this Act, or
19 violation of any rules under this Act.

20 (3) Conviction of or plea of guilty or nolo contendere
21 to any crime under the laws of the United States or any
22 state or territory thereof that is a felony, or that is a
23 misdemeanor, an essential element of which is dishonesty,
24 or of any crime that is directly related to the practice of

1 the profession.

2 (4) Making any misrepresentation for the purpose of
3 obtaining a license, or violating any provision of this Act
4 or its rules.

5 (5) Professional incompetence or gross negligence in
6 the rendering of landscape architectural services.

7 (6) Aiding or assisting another person in violating any
8 provision of this Act or any rules.

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

11 (8) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public and violating the rules of
14 professional conduct adopted by the Department.

15 (9) Habitual or excessive use or addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 that results in an inability to practice with reasonable
18 skill, judgment, or safety.

19 (10) Discipline by another jurisdiction, if at least
20 one of the grounds for the discipline is the same or
21 substantially equivalent to those set forth in this
22 Section.

23 (11) Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership, or association
25 any fee, commission, rebate, or other form of compensation
26 for any professional service not actually rendered.

1 (12) A finding by the Board that the licensee, after
2 having the license placed on probationary status, has
3 violated the terms of probation.

4 (12.5) A finding by the Board that the licensee has
5 failed to pay a fine imposed by the Department.

6 (13) Abandonment of a client.

7 (14) Willfully filing false reports relating to a
8 licensee's practice, including but not limited to, false
9 records filed with federal or State agencies or
10 departments.

11 (15) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act, and
14 upon proof by clear and convincing evidence that the
15 licensee has caused a child to be an abused child or
16 neglected child as defined in the Abused and Neglected
17 Child Reporting Act.

18 (16) Physical or mental disability, including
19 deterioration through the aging process or loss of
20 abilities and skills that results in the inability to
21 practice the profession with reasonable judgment, skill,
22 or safety.

23 (17) Solicitation of professional services by using
24 false or misleading advertising.

25 (18) Failure to file a return, or to pay the tax,
26 penalty, or interest shown in a filed return, or to pay any

1 final assessment of tax, penalty, or interest, as required
2 by any tax Act administered by the Illinois Department of
3 Revenue or any successor agency or the Internal Revenue
4 Service or any successor agency.

5 No consideration shall be given to convictions entered
6 prior to the date of the application, where the applicant has
7 completed any sentence imposed for that conviction, including
8 any period of mandatory supervised release.

9 (b) Any fines imposed under this Section shall not exceed
10 \$10,000 for each violation.

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

21 (d) In enforcing this Section, the Board, upon a showing of
22 a possible violation, may compel a person licensed under this
23 Act or who has applied for licensure pursuant to this Act to
24 submit to a mental or physical examination, or both, as
25 required by and at the expense of the Department. The examining
26 physicians shall be those specifically designated by the Board.

1 The Board or the Department may order the examining physician
2 to present testimony concerning this mental or physical
3 examination of the licensee or applicant. No information shall
4 be excluded by reason of any common law or statutory privilege
5 relating to communications between the licensee or applicant
6 and the examining physician. The person to be examined may
7 have, at his or her own expense, another physician of his or
8 her choice present during all aspects of the examination.
9 Failure of any person to submit to a mental or physical
10 examination when directed shall be grounds for suspension of a
11 license until the person submits to the examination if the
12 Board finds, after notice and hearing, that the refusal to
13 submit to the examination was without reasonable cause.

14 If the Board finds a person unable to practice because of
15 the reasons set forth in this Section, the Board may require
16 that person to submit to care, counseling, or treatment by
17 physicians approved or designated by the Board as a condition,
18 term, or restriction for continued, reinstated, or renewed
19 licensure; or, in lieu of care, counseling, or treatment, the
20 Board may recommend that the Department file a complaint to
21 immediately suspend, revoke, or otherwise discipline the
22 license of the person. Any person whose license was granted,
23 continued, reinstated, renewed, disciplined, or supervised
24 subject to such terms, conditions, or restrictions and who
25 fails to comply with such terms, conditions, or restrictions
26 shall be referred to the Secretary for a determination as to

1 whether the person shall have his or her license suspended
2 immediately, pending a hearing by the Board.

3 (Source: P.A. 96-730, eff. 8-25-09.)

4 Section 215. The Professional Engineering Practice Act of
5 1989 is amended by changing Section 24 as follows:

6 (225 ILCS 325/24) (from Ch. 111, par. 5224)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 24. Rules of professional conduct; disciplinary or
9 administrative action.

10 (a) The Department shall adopt rules setting standards of
11 professional conduct and establish appropriate penalties for
12 the breach of such rules.

13 (a-1) The Department may, singularly or in combination,
14 refuse to issue, renew, or restore a license or may revoke,
15 suspend, place on probation, reprimand, or take other
16 disciplinary or non-disciplinary action with regard to a person
17 licensed under this Act, including but not limited to, the
18 imposition of a fine not to exceed \$10,000 per violation upon
19 any person, corporation, partnership, or professional design
20 firm licensed or registered under this Act, for any one or
21 combination of the following causes:

22 (1) Material misstatement in furnishing information to
23 the Department.

24 (2) Violations of this Act or any of its rules.

1 (3) Conviction of or entry of a plea of guilty or nolo
2 contendere to any crime that is a felony under the laws of
3 the United States or any state or territory thereof, or
4 that is a misdemeanor, an essential element of which is
5 dishonesty, or any crime that is directly related to the
6 practice of engineering.

7 (4) Making any misrepresentation for the purpose of
8 obtaining, renewing, or restoring a license or violating
9 any provision of this Act or the rules promulgated under
10 this Act pertaining to advertising.

11 (5) Willfully making or signing a false statement,
12 certificate, or affidavit to induce payment.

13 (6) Negligence, incompetence or misconduct in the
14 practice of professional engineering as a licensed
15 professional engineer or in working as an engineer intern.

16 (7) Aiding or assisting another person in violating any
17 provision of this Act or its rules.

18 (8) Failing to provide information in response to a
19 written request made by the Department within 30 days after
20 receipt of such written request.

21 (9) Engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public.

24 (10) Inability to practice the profession with
25 reasonable judgment, skill, or safety as a result of a
26 physical illness, including, but not limited to,

1 deterioration through the aging process or loss of motor
2 skill, or mental illness or disability.

3 (11) Discipline by the United States Government,
4 another state, District of Columbia, territory, foreign
5 nation or government agency, if at least one of the grounds
6 for the discipline is the same or substantially equivalent
7 to those set forth in this Act.

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

13 (13) A finding by the Department that an applicant or
14 registrant has failed to pay a fine imposed by the
15 Department, a registrant whose license has been placed on
16 probationary status has violated the terms of probation, or
17 a registrant has practiced on an expired, inactive,
18 suspended, or revoked license.

19 (14) Signing, affixing the professional engineer's
20 seal or permitting the professional engineer's seal to be
21 affixed to any technical submissions not prepared as
22 required by Section 14 or completely reviewed by the
23 professional engineer or under the professional engineer's
24 direct supervision.

25 (15) Inability to practice the profession with
26 reasonable judgment, skill or safety as a result of

1 habitual or excessive use or addiction to alcohol,
2 narcotics, stimulants, or any other chemical agent or drug.

3 (16) The making of a statement pursuant to the
4 Environmental Barriers Act that a plan for construction or
5 alteration of a public facility or for construction of a
6 multi-story housing unit is in compliance with the
7 Environmental Barriers Act when such plan is not in
8 compliance.

9 (17) (Blank).

10 No consideration shall be given to convictions entered
11 prior to the date of the application, where the applicant has
12 completed any sentence imposed for that conviction, including
13 any period of mandatory supervised release.

14 (a-2) The Department shall deny a license or renewal
15 authorized by this Act to a person who has failed to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Department of Revenue, until such time as the requirements of
20 the tax Act are satisfied in accordance with subsection (g) of
21 Section 2105-15 of the Department of Professional Regulation
22 Law of the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15).

24 (a-3) The Department shall deny a license or renewal
25 authorized by this Act to a person who has defaulted on an
26 educational loan or scholarship provided or guaranteed by the

1 Illinois Student Assistance Commission or any governmental
2 agency of this State in accordance with subdivision (a) (5) of
3 Section 2105-15 of the Department of Professional Regulation
4 Law of the Civil Administrative Code of Illinois (20 ILCS
5 2105/2105-15).

6 (a-4) In cases where the Department of Healthcare and
7 Family Services (formerly the Department of Public Aid) has
8 previously determined that a licensee or a potential licensee
9 is more than 30 days delinquent in the payment of child support
10 and has subsequently certified the delinquency to the
11 Department, the Department shall refuse to issue or renew or
12 shall revoke or suspend that person's license or shall take
13 other disciplinary action against that person based solely upon
14 the certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with subdivision
16 (a) (5) of Section 2105-15 of the Department of Professional
17 Regulation Law of the Civil Administrative Code of Illinois (20
18 ILCS 2105/2105-15).

19 (a-5) In enforcing this Section, the Department or Board,
20 upon a showing of a possible violation, may order a licensee or
21 applicant to submit to a mental or physical examination, or
22 both, at the expense of the Department. The Department or Board
23 may order the examining physician to present testimony
24 concerning his or her examination of the licensee or applicant.
25 No information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician. The
2 examining physicians shall be specifically designated by the
3 Board or Department. The licensee or applicant may have, at his
4 or her own expense, another physician of his or her choice
5 present during all aspects of the examination. Failure of a
6 licensee or applicant to submit to any such examination when
7 directed, without reasonable cause as defined by rule, shall be
8 grounds for either the immediate suspension of his or her
9 license or immediate denial of his or her application.

10 If the Secretary immediately suspends the license of a
11 licensee for his or her failure to submit to a mental or
12 physical examination when directed, a hearing must be convened
13 by the Department within 15 days after the suspension and
14 completed without appreciable delay.

15 If the Secretary otherwise suspends a license pursuant to
16 the results of the licensee's mental or physical examination, a
17 hearing must be convened by the Department within 15 days after
18 the suspension and completed without appreciable delay. The
19 Department and Board shall have the authority to review the
20 licensee's record of treatment and counseling regarding the
21 relevant impairment or impairments to the extent permitted by
22 applicable federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 Any licensee suspended under this subsection (a-5) shall be
25 afforded an opportunity to demonstrate to the Department or
26 Board that he or she can resume practice in compliance with the

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

3 (b) The determination by a circuit court that a registrant
4 is subject to involuntary admission or judicial admission as
5 provided in the Mental Health and Developmental Disabilities
6 Code, as now or hereafter amended, operates as an automatic
7 suspension. Such suspension will end only upon a finding by a
8 court that the patient is no longer subject to involuntary
9 admission or judicial admission, the issuance of an order so
10 finding and discharging the patient, and the recommendation of
11 the Board to the Director that the registrant be allowed to
12 resume practice.

13 (Source: P.A. 98-756, eff. 7-16-14.)

14 Section 220. The Illinois Professional Land Surveyor Act of
15 1989 is amended by changing Section 27 as follows:

16 (225 ILCS 330/27) (from Ch. 111, par. 3277)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 27. Grounds for disciplinary action.

19 (a) The Department may refuse to issue or renew a license,
20 or may place on probation or administrative supervision,
21 suspend, or revoke any license, or may reprimand or take any
22 disciplinary or non-disciplinary action as the Department may
23 deem proper, including the imposition of fines not to exceed
24 \$10,000 per violation, upon any person, corporation,

1 partnership, or professional land surveying firm licensed or
2 registered under this Act for any of the following reasons:

3 (1) material misstatement in furnishing information to
4 the Department;

5 (2) violation, including, but not limited to, neglect
6 or intentional disregard, of this Act, or its rules;

7 (3) conviction of, or entry of a plea of guilty or nolo
8 contendere to, any crime that is a felony under the laws of
9 the United States or any state or territory thereof or that
10 is a misdemeanor of which an essential element is
11 dishonesty, or any crime that is directly related to the
12 practice of the profession;

13 (4) making any misrepresentation for the purpose of
14 obtaining a license, or in applying for restoration or
15 renewal, or the practice of any fraud or deceit in taking
16 any examination to qualify for licensure under this Act;

17 (5) purposefully making false statements or signing
18 false statements, certificates, or affidavits to induce
19 payment;

20 (6) proof of carelessness, incompetence, negligence,
21 or misconduct in practicing land surveying;

22 (7) aiding or assisting another person in violating any
23 provision of this Act or its rules;

24 (8) failing to provide information in response to a
25 written request made by the Department within 30 days after
26 receipt of such written request;

1 (9) engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public;

4 (10) inability to practice with reasonable judgment,
5 skill, or safety as a result of habitual or excessive use
6 of, or addiction to, alcohol, narcotics, stimulants or any
7 other chemical agent or drug;

8 (11) discipline by the United States government,
9 another state, District of Columbia, territory, foreign
10 nation or government agency if at least one of the grounds
11 for the discipline is the same or substantially equivalent
12 to those set forth in this Act;

13 (12) directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate, or other form of compensation
16 for any professional services not actually or personally
17 rendered;

18 (12.5) issuing a map or plat of survey where the fee
19 for professional services is contingent on a real estate
20 transaction closing;

21 (13) a finding by the Department that an applicant or
22 licensee has failed to pay a fine imposed by the Department
23 or a licensee whose license has been placed on probationary
24 status has violated the terms of probation;

25 (14) practicing on an expired, inactive, suspended, or
26 revoked license;

1 (15) signing, affixing the Professional Land
2 Surveyor's seal or permitting the Professional Land
3 Surveyor's seal to be affixed to any map or plat of survey
4 not prepared by the Professional Land Surveyor or under the
5 Professional Land Surveyor's direct supervision and
6 control;

7 (16) inability to practice the profession with
8 reasonable judgment, skill, or safety as a result of
9 physical illness, including, but not limited to,
10 deterioration through the aging process or loss of motor
11 skill or a mental illness or disability;

12 (17) (blank); or

13 (18) failure to adequately supervise or control land
14 surveying operations being performed by subordinates.

15 No consideration shall be given to convictions entered
16 prior to the date of the application, where the applicant has
17 completed any sentence imposed for that conviction, including
18 any period of mandatory supervised release.

19 (a-5) In enforcing this Section, the Department or Board,
20 upon a showing of a possible violation, may compel a person
21 licensed to practice under this Act, or who has applied for
22 licensure or certification pursuant to this Act, to submit to a
23 mental or physical examination, or both, as required by and at
24 the expense of the Department. The Department or Board may
25 order the examining physician to present testimony concerning
26 the mental or physical examination of the licensee or

1 applicant. No information shall be excluded by reason of any
2 common law or statutory privilege relating to communications
3 between the licensee or applicant and the examining physician.
4 The examining physicians shall be specifically designated by
5 the Board or Department. The individual to be examined may
6 have, at his or her own expense, another physician of his or
7 her choice present during all aspects of the examination.
8 Failure of an individual to submit to a mental or physical
9 examination when directed shall be grounds for the immediate
10 suspension of his or her license until the individual submits
11 to the examination if the Department finds that the refusal to
12 submit to the examination was without reasonable cause as
13 defined by rule.

14 If the Secretary immediately suspends the license of a
15 licensee for his or her failure to submit to a mental or
16 physical examination when directed, a hearing must be convened
17 by the Department within 15 days after the suspension and
18 completed without appreciable delay.

19 If the Secretary otherwise suspends a person's license
20 pursuant to the results of a compelled mental or physical
21 examination, a hearing on that person's license must be
22 convened by the Department within 15 days after the suspension
23 and completed without appreciable delay. The Department and
24 Board shall have the authority to review the subject
25 individual's record of treatment and counseling regarding
26 impairment to the extent permitted by applicable federal

1 statutes and regulations safeguarding the confidentiality of
2 medical records.

3 Any licensee suspended under this subsection (a-5) shall be
4 afforded an opportunity to demonstrate to the Department or
5 Board that he or she can resume practice in compliance with the
6 acceptable and prevailing standards under the provisions of his
7 or her license.

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

18 (c) The Department shall deny a license or renewal
19 authorized by this Act to a person who has defaulted on an
20 educational loan or scholarship provided or guaranteed by the
21 Illinois Student Assistance Commission or any governmental
22 agency of this State in accordance with subdivision (a) (5) of
23 Section 2105-15 of the Department of Professional Regulation
24 Law of the Civil Administrative Code of Illinois (20 ILCS
25 2105/2105-15).

26 (d) In cases where the Department of Healthcare and Family

1 Services (formerly the Department of Public Aid) has previously
2 determined that a licensee or a potential licensee is more than
3 30 days delinquent in the payment of child support and has
4 subsequently certified the delinquency to the Department, the
5 Department shall refuse to issue or renew or shall revoke or
6 suspend that person's license or shall take other disciplinary
7 action against that person based solely upon the certification
8 of delinquency made by the Department of Healthcare and Family
9 Services in accordance with subdivision (a)(5) of Section
10 2105-15 of the Department of Professional Regulation Law of the
11 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

12 (e) The Department shall refuse to issue or renew or shall
13 revoke or suspend a person's license or shall take other
14 disciplinary action against that person for his or her failure
15 to file a return, to pay the tax, penalty, or interest shown in
16 a filed return, or to pay any final assessment of tax, penalty,
17 or interest as required by any tax Act administered by the
18 Department of Revenue, until such time as the requirements of
19 the tax Act are satisfied in accordance with subsection (g) of
20 Section 2105-15 of the Department of Professional Regulation
21 Law of the Civil Administrative Code of Illinois (20 ILCS
22 2105/2105-15).

23 (Source: P.A. 98-756, eff. 7-16-14.)

24 Section 225. The Illinois Roofing Industry Licensing Act is
25 amended by changing Section 9.1 as follows:

1 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 9.1. Grounds for disciplinary action.

4 (1) The Department may refuse to issue or to renew, or may
5 revoke, suspend, place on probation, reprimand or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem proper, including fines not to exceed \$10,000 for each
8 violation, with regard to any license for any one or
9 combination of the following:

10 (a) violation of this Act or its rules;

11 (b) for licensees, conviction or plea of guilty or nolo
12 contendere, finding of guilt, jury verdict, or entry of
13 judgment or sentencing of any crime, including, but not
14 limited to, convictions, preceding sentences of
15 supervision, conditional discharge, or first offender
16 probation, under the laws of any jurisdiction of the United
17 States that is (i) a felony or (ii) a misdemeanor, an
18 essential element of which is dishonesty or that is
19 directly related to the practice of the profession and, for
20 initial applicants, convictions set forth in Section 7.1 of
21 this Act;

22 (c) fraud or any misrepresentation in applying for or
23 procuring a license under this Act, or in connection with
24 applying for renewal of a license under this Act;

25 (d) professional incompetence or gross negligence in

1 the practice of roofing contracting, prima facie evidence
2 of which may be a conviction or judgment in any court of
3 competent jurisdiction against an applicant or licensee
4 relating to the practice of roofing contracting or the
5 construction of a roof or repair thereof that results in
6 leakage within 90 days after the completion of such work;

7 (e) (blank);

8 (f) aiding or assisting another person in violating any
9 provision of this Act or rules;

10 (g) failing, within 60 days, to provide information in
11 response to a written request made by the Department;

12 (h) engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public;

15 (i) habitual or excessive use or abuse of controlled
16 substances, as defined by the Illinois Controlled
17 Substances Act, alcohol, or any other substance that
18 results in the inability to practice with reasonable
19 judgment, skill, or safety;

20 (j) discipline by another state, unit of government, or
21 government agency, the District of Columbia, a territory,
22 or a foreign nation, if at least one of the grounds for the
23 discipline is the same or substantially equivalent to those
24 set forth in this Section;

25 (k) directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership, or association

1 any fee, commission, rebate, or other form of compensation
2 for any professional services not actually or personally
3 rendered;

4 (l) a finding by the Department that the licensee,
5 after having his or her license disciplined, has violated
6 the terms of the discipline;

7 (m) a finding by any court of competent jurisdiction,
8 either within or without this State, of any violation of
9 any law governing the practice of roofing contracting, if
10 the Department determines, after investigation, that such
11 person has not been sufficiently rehabilitated to warrant
12 the public trust;

13 (n) willfully making or filing false records or reports
14 in the practice of roofing contracting, including, but not
15 limited to, false records filed with the State agencies or
16 departments;

17 (o) practicing, attempting to practice, or advertising
18 under a name other than the full name as shown on the
19 license or any other legally authorized name;

20 (p) gross and willful overcharging for professional
21 services including filing false statements for collection
22 of fees or monies for which services are not rendered;

23 (q) (blank);

24 (r) (blank);

25 (s) failure to continue to meet the requirements of
26 this Act shall be deemed a violation;

1 (t) physical or mental disability, including
2 deterioration through the aging process or loss of
3 abilities and skills that result in an inability to
4 practice the profession with reasonable judgment, skill,
5 or safety;

6 (u) material misstatement in furnishing information to
7 the Department or to any other State agency;

8 (v) (blank);

9 (w) advertising in any manner that is false,
10 misleading, or deceptive;

11 (x) taking undue advantage of a customer, which results
12 in the perpetration of a fraud;

13 (y) performing any act or practice that is a violation
14 of the Consumer Fraud and Deceptive Business Practices Act;

15 (z) engaging in the practice of roofing contracting, as
16 defined in this Act, with a suspended, revoked, or
17 cancelled license;

18 (aa) treating any person differently to the person's
19 detriment because of race, color, creed, gender, age,
20 religion, or national origin;

21 (bb) knowingly making any false statement, oral,
22 written, or otherwise, of a character likely to influence,
23 persuade, or induce others in the course of obtaining or
24 performing roofing contracting services;

25 (cc) violation of any final administrative action of
26 the Secretary;

1 (dd) allowing the use of his or her roofing license by
2 an unlicensed roofing contractor for the purposes of
3 providing roofing or waterproofing services; or

4 (ee) (blank);

5 (ff) cheating or attempting to subvert a licensing
6 examination administered under this Act; or

7 (gg) use of a license to permit or enable an unlicensed
8 person to provide roofing contractor services.

9 No consideration shall be given to convictions entered
10 prior to the date of the application, where the applicant has
11 completed any sentence imposed for that conviction, including
12 any period of mandatory supervised release.

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

23 (3) The Department may refuse to issue or take disciplinary
24 action concerning the license of any person who fails to file a
25 return, to pay the tax, penalty, or interest shown in a filed
26 return, or to pay any final assessment of tax, penalty, or

1 interest as required by any tax Act administered by the
2 Department of Revenue, until such time as the requirements of
3 any such tax Act are satisfied as determined by the Department
4 of Revenue.

5 (4) In enforcing this Section, the Department, upon a
6 showing of a possible violation, may compel any individual who
7 is licensed under this Act or any individual who has applied
8 for licensure to submit to a mental or physical examination or
9 evaluation, or both, which may include a substance abuse or
10 sexual offender evaluation, at the expense of the Department.
11 The Department shall specifically designate the examining
12 physician licensed to practice medicine in all of its branches
13 or, if applicable, the multidisciplinary team involved in
14 providing the mental or physical examination and evaluation.
15 The multidisciplinary team shall be led by a physician licensed
16 to practice medicine in all of its branches and may consist of
17 one or more or a combination of physicians licensed to practice
18 medicine in all of its branches, licensed chiropractic
19 physicians, licensed clinical psychologists, licensed clinical
20 social workers, licensed clinical professional counselors, and
21 other professional and administrative staff. Any examining
22 physician or member of the multidisciplinary team may require
23 any person ordered to submit to an examination and evaluation
24 pursuant to this Section to submit to any additional
25 supplemental testing deemed necessary to complete any
26 examination or evaluation process, including, but not limited

1 to, blood testing, urinalysis, psychological testing, or
2 neuropsychological testing.

3 (5) The Department may order the examining physician or any
4 member of the multidisciplinary team to provide to the
5 Department any and all records, including business records,
6 that relate to the examination and evaluation, including any
7 supplemental testing performed. The Department may order the
8 examining physician or any member of the multidisciplinary team
9 to present testimony concerning this examination and
10 evaluation of the licensee or applicant, including testimony
11 concerning any supplemental testing or documents relating to
12 the examination and evaluation. No information, report,
13 record, or other documents in any way related to the
14 examination and evaluation shall be excluded by reason of any
15 common law or statutory privilege relating to communication
16 between the licensee or applicant and the examining physician
17 or any member of the multidisciplinary team. No authorization
18 is necessary from the licensee or applicant ordered to undergo
19 an evaluation and examination for the examining physician or
20 any member of the multidisciplinary team to provide
21 information, reports, records, or other documents or to provide
22 any testimony regarding the examination and evaluation. The
23 individual to be examined may have, at his or her own expense,
24 another physician of his or her choice present during all
25 aspects of the examination.

26 (6) Failure of any individual to submit to mental or

1 physical examination or evaluation, or both, when directed,
2 shall result in an automatic suspension without hearing until
3 such time as the individual submits to the examination. If the
4 Department finds a licensee unable to practice because of the
5 reasons set forth in this Section, the Department shall require
6 the licensee to submit to care, counseling, or treatment by
7 physicians approved or designated by the Department as a
8 condition for continued, reinstated, or renewed licensure.

9 (7) When the Secretary immediately suspends a license under
10 this Section, a hearing upon such person's license must be
11 convened by the Department within 15 days after the suspension
12 and completed without appreciable delay. The Department shall
13 have the authority to review the licensee's record of treatment
14 and counseling regarding the impairment to the extent permitted
15 by applicable federal statutes and regulations safeguarding
16 the confidentiality of medical records.

17 (8) Licensees affected under this Section shall be afforded
18 an opportunity to demonstrate to the Department that they can
19 resume practice in compliance with acceptable and prevailing
20 standards under the provisions of their license.

21 (9) The Department shall deny a license or renewal
22 authorized by this Act to a person who has defaulted on an
23 educational loan or scholarship provided or guaranteed by the
24 Illinois Student Assistance Commission or any governmental
25 agency of this State in accordance with paragraph (5) of
26 subsection (a) of Section 2105-15 of the Department of

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois.

3 (10) In cases where the Department of Healthcare and Family
4 Services has previously determined a licensee or a potential
5 licensee is more than 30 days delinquent in the payment of
6 child support and has subsequently certified the delinquency to
7 the Department, the Department may refuse to issue or renew or
8 may revoke or suspend that person's license or may take other
9 disciplinary action against that person based solely upon the
10 certification of delinquency made by the Department of
11 Healthcare and Family Services in accordance with paragraph (5)
12 of subsection (a) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois.

15 The changes to this Act made by this amendatory Act of 1997
16 apply only to disciplinary actions relating to events occurring
17 after the effective date of this amendatory Act of 1997.

18 (Source: P.A. 99-469, eff. 8-26-15; 99-876, eff. 1-1-17.)

19 Section 230. The Structural Engineering Practice Act of
20 1989 is amended by changing Section 20 as follows:

21 (225 ILCS 340/20) (from Ch. 111, par. 6620)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 20. Refusal; revocation; suspension.

24 (a) The Department may refuse to issue or renew, or may

1 revoke a license, or may suspend, place on probation, fine, or
2 take any disciplinary or non-disciplinary action as the
3 Department may deem proper, including a fine not to exceed
4 \$10,000 for each violation, with regard to any licensee for any
5 one or combination of the following reasons:

6 (1) Material misstatement in furnishing information to
7 the Department;

8 (2) Negligence, incompetence or misconduct in the
9 practice of structural engineering;

10 (3) Making any misrepresentation for the purpose of
11 obtaining licensure;

12 (4) The affixing of a licensed structural engineer's
13 seal to any plans, specifications or drawings which have
14 not been prepared by or under the immediate personal
15 supervision of that licensed structural engineer or
16 reviewed as provided in this Act;

17 (5) Conviction of, or entry of a plea of guilty or nolo
18 contendere to, any crime that is a felony under the laws of
19 the United States or of any state or territory thereof, or
20 that is a misdemeanor an essential element of which is
21 dishonesty, or any crime that is directly related to the
22 practice of the profession;

23 (6) Making a statement of compliance pursuant to the
24 Environmental Barriers Act, as now or hereafter amended,
25 that a plan for construction or alteration of a public
26 facility or for construction of a multi-story housing unit

1 is in compliance with the Environmental Barriers Act when
2 such plan is not in compliance;

3 (7) Failure to comply with any of the provisions of
4 this Act or its rules;

5 (8) Aiding or assisting another person in violating any
6 provision of this Act or its rules;

7 (9) Engaging in dishonorable, unethical or
8 unprofessional conduct of a character likely to deceive,
9 defraud or harm the public, as defined by rule;

10 (10) Habitual or excessive use or addiction to alcohol,
11 narcotics, stimulants, or any other chemical agent or drug
12 that results in the inability to practice with reasonable
13 judgment, skill, or safety;

14 (11) Failure of an applicant or licensee to pay a fine
15 imposed by the Department or a licensee whose license has
16 been placed on probationary status has violated the terms
17 of probation;

18 (12) Discipline by another state, territory, foreign
19 country, the District of Columbia, the United States
20 government, or any other governmental agency, if at least
21 one of the grounds for discipline is the same or
22 substantially equivalent to those set forth in this
23 Section;

24 (13) Failure to provide information in response to a
25 written request made by the Department within 30 days after
26 the receipt of such written request; or

1 (14) Physical illness, including but not limited to,
2 deterioration through the aging process or loss of motor
3 skill, mental illness, or disability which results in the
4 inability to practice the profession of structural
5 engineering with reasonable judgment, skill, or safety.

6 No consideration shall be given to convictions entered
7 prior to the date of the application, where the applicant has
8 completed any sentence imposed for that conviction, including
9 any period of mandatory supervised release.

10 (a-5) In enforcing this Section, the Department or Board,
11 upon a showing of a possible violation, may order a licensee or
12 applicant to submit to a mental or physical examination, or
13 both, at the expense of the Department. The Department or Board
14 may order the examining physician to present testimony
15 concerning his or her examination of the licensee or applicant.
16 No information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 examining physicians shall be specifically designated by the
20 Board or Department. The licensee or applicant may have, at his
21 or her own expense, another physician of his or her choice
22 present during all aspects of the examination. Failure of a
23 licensee or applicant to submit to any such examination when
24 directed, without reasonable cause as defined by rule, shall be
25 grounds for either the immediate suspension of his or her
26 license or immediate denial of his or her application.

1 If the Secretary immediately suspends the license of a
2 licensee for his or her failure to submit to a mental or
3 physical examination when directed, a hearing must be convened
4 by the Department within 15 days after the suspension and
5 completed without appreciable delay.

6 If the Secretary otherwise suspends a license pursuant to
7 the results of the licensee's mental or physical examination, a
8 hearing must be convened by the Department within 15 days after
9 the suspension and completed without appreciable delay. The
10 Department and Board shall have the authority to review the
11 licensee's record of treatment and counseling regarding the
12 relevant impairment or impairments to the extent permitted by
13 applicable federal statutes and regulations safeguarding the
14 confidentiality of medical records.

15 Any licensee suspended under this subsection (a-5) shall be
16 afforded an opportunity to demonstrate to the Department or
17 Board that he or she can resume practice in compliance with the
18 acceptable and prevailing standards under the provisions of his
19 or her license.

20 (b) The determination by a circuit court that a licensee is
21 subject to involuntary admission or judicial admission, as
22 provided in the Mental Health and Developmental Disabilities
23 Code, operates as an automatic suspension. Such suspension will
24 end only upon a finding by a court that the patient is no
25 longer subject to involuntary admission or judicial admission,
26 the issuance of an order so finding and discharging the

1 patient, and the recommendation of the Board to the Secretary
2 that the licensee be allowed to resume practice.

3 (c) The Department shall deny a license or renewal
4 authorized by this Act to a person who has defaulted on an
5 educational loan or scholarship provided or guaranteed by the
6 Illinois Student Assistance Commission or any governmental
7 agency of this State in accordance with subdivision (a)(5) of
8 Section 2105-15 of the Department of Professional Regulation
9 Law of the Civil Administrative Code of Illinois.

10 (d) In cases where the Department of Healthcare and Family
11 Services (formerly the Department of Public Aid) has previously
12 determined that a licensee or a potential licensee is more than
13 30 days delinquent in the payment of child support and has
14 subsequently certified the delinquency to the Department, the
15 Department shall refuse to issue or renew or shall revoke or
16 suspend that person's license or shall take other disciplinary
17 action against that person based solely upon the certification
18 of delinquency made by the Department of Healthcare and Family
19 Services in accordance with subdivision (a)(5) of Section
20 2105-15 of the Department of Professional Regulation Law of the
21 Civil Administrative Code of Illinois.

22 (e) The Department shall deny a license or renewal
23 authorized by this Act to a person who has failed to file a
24 return, to pay the tax, penalty, or interest shown in a filed
25 return, or to pay any final assessment of tax, penalty, or
26 interest as required by any tax Act administered by the

1 Department of Revenue, until such time as the requirements of
2 the tax Act are satisfied in accordance with subsection (g) of
3 Section 2105-15 of the Department of Professional Regulation
4 Law of the Civil Administrative Code of Illinois.

5 (f) Persons who assist the Department as consultants or
6 expert witnesses in the investigation or prosecution of alleged
7 violations of the Act, licensure matters, restoration
8 proceedings, or criminal prosecutions, are not liable for
9 damages in any civil action or proceeding as a result of such
10 assistance, except upon proof of actual malice. The Attorney
11 General of the State of Illinois shall defend such persons in
12 any such action or proceeding.

13 (Source: P.A. 98-756, eff. 7-16-14.)

14 Section 235. The Water Well and Pump Installation
15 Contractor's License Act is amended by changing Section 15 as
16 follows:

17 (225 ILCS 345/15) (from Ch. 111, par. 7116)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 15. The Department may refuse to issue or renew, may
20 suspend or may revoke a license on any one or more of the
21 following grounds:

22 (1) Material misstatement in the application for license;

23 (2) Failure to have or retain the qualifications required
24 by Section 9 of this Act;

1 (3) Wilful disregard or violation of this Act or of any
2 rule or regulation promulgated by the Department pursuant
3 thereto; or disregard or violation of any law of the state of
4 Illinois or of any rule or regulation promulgated pursuant
5 thereto relating to water well drilling or the installation of
6 water pumps and equipment or any rule or regulation adopted
7 pursuant thereto;

8 (4) Wilfully aiding or abetting another in the violation of
9 this Act or any rule or regulation promulgated by the
10 Department pursuant thereto;

11 (5) Incompetence in the performance of the work of a water
12 well contractor or of a water well pump installation
13 contractor;

14 (6) Allowing the use of a license by someone other than the
15 person in whose name it was issued;

16 (7) Conviction of any crime an essential element of which
17 is misstatement, fraud or dishonesty, conviction in this or
18 another State of any crime which is a felony under the laws of
19 this State or the conviction in a federal court of any felony.

20 (8) Making substantial misrepresentations or false
21 promises of a character likely to influence, persuade or induce
22 in connection with the occupation of a water well contractor or
23 a water well pump installation contractor.

24 No consideration shall be given to convictions entered
25 prior to the date of the application, where the applicant has
26 completed any sentence imposed for that conviction, including

1 any period of mandatory supervised release.

2 (Source: P.A. 77-1626.)

3 Section 240. The Illinois Athlete Agents Act is amended by
4 changing Section 75 as follows:

5 (225 ILCS 401/75)

6 Sec. 75. Grounds for disciplinary action.

7 (a) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary or non-disciplinary action as the Department may
10 deem appropriate, including imposing fines not to exceed
11 \$10,000 for each violation, with regard to any license for any
12 one or combination of the following:

13 (1) Making a material misstatement in furnishing
14 information to the Department.

15 (2) Violating this Act, or the rules adopted pursuant
16 to this Act.

17 (3) Conviction of or entry of a plea of guilty or nolo
18 contendere, finding of guilt, jury verdict, or entry of
19 judgment or by sentencing of any crime, including but not
20 limited to convictions, preceding sentences of
21 supervision, conditional discharge or first offender
22 probation, to any crime that is a felony under the laws of
23 the United States or any state or territory thereof or that
24 is a misdemeanor of which as essential element is

1 dishonesty, or any crime that is directly related to the
2 practice of the profession.

3 (4) Making any misrepresentation for the purpose of
4 obtaining licensure or violating any provision of this Act
5 or the rules adopted under this Act pertaining to
6 advertising.

7 (5) Professional incompetence.

8 (6) Gross malpractice.

9 (7) Aiding or assisting another person in violating any
10 provision of this Act or rules adopted under this Act.

11 (8) Failing, within 60 days, to provide information in
12 response to a written request made by the Department.

13 (9) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (10) Inability to practice with reasonable judgment,
17 skill or safety as a result of habitual or excessive use or
18 addiction to alcohol, narcotics, stimulants or any other
19 chemical agent or drug.

20 (11) Denial of any application as an athlete agent or
21 discipline by another state, District of Columbia,
22 territory, or foreign nation, if at least one of the
23 grounds for the discipline is the same or substantially
24 equivalent to those set forth in this Section.

25 (12) A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status, has violated the terms of probation.

2 (13) Willfully making or filing false records or
3 reports in his or her practice, including but not limited
4 to, false records filed with State agencies or departments.

5 (14) Inability to practice the profession with
6 reasonable judgment, skill, or safety as a result of a
7 physical illness, including but not limited to
8 deterioration through the aging process or loss of motor
9 skill, or a mental illness or disability.

10 (15) Solicitation of professional services other than
11 permitted advertising.

12 (16) Conviction of or cash compromise of a charge or
13 violation of the Illinois Controlled Substances Act
14 regulating narcotics.

15 (17) Gross, willful, or continued overcharging for
16 professional services, including filing false statements
17 for collection of fees for which services are not rendered.

18 (18) Practicing under a false or, except as provided by
19 law, an assumed name.

20 (19) Fraud or misrepresentation in applying for, or
21 procuring, a license under this Act or in connection with
22 applying for renewal of a license under this Act.

23 (20) Any instance in which the conduct of the applicant
24 or any person named pursuant to item (5) of subsection (a)
25 of Section 45 resulted in the imposition of a sanction,
26 suspension, or declaration of ineligibility to participate

1 in an interscholastic or intercollegiate athletic event on
2 a student-athlete or educational institution.

3 (21) Any instance in which the conduct of any person
4 named pursuant to item (5) of subsection (a) of Section 45
5 resulted in the denial of an application as an athlete
6 agent or discipline of a license as an athlete agent by
7 another state, District of Columbia, territory, or foreign
8 nation, if at least one of the grounds for the discipline
9 is the same or substantially equivalent to those set forth
10 in this Section.

11 (22) Committing any of the activities set forth in
12 subsection (b) of Section 175 of this Act.

13 No consideration shall be given to convictions entered
14 prior to the date of the application, where the applicant has
15 completed any sentence imposed for that conviction, including
16 any period of mandatory supervised release.

17 (b) A person holding a license under this Act or has
18 applied for licensure under this Act who, because of a physical
19 or mental illness or disability, including but not limited to
20 deterioration through the aging process or loss of motor skill,
21 is unable to practice the profession with reasonable judgment,
22 skill, or safety may be required by the Department to submit to
23 care, counseling or treatment by physicians approved or
24 designated by the Department as a condition, term or
25 restriction for continued, reinstated or renewed licensure to
26 practice. Submission to care, counseling or treatment as

1 required by the Department shall not be considered discipline
2 of the license. If the licensee refuses to enter into a care,
3 counseling, or treatment agreement or fails to abide by the
4 terms of the agreement, then the Department may file a
5 complaint to suspend, revoke, or otherwise discipline the
6 license of the individual. The Secretary may order the license
7 suspended immediately, pending a hearing by the Department.
8 Fines shall not be assessed in disciplinary actions involving
9 physical or mental illness or impairment.

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

20 (d) The Department may refuse to issue or may suspend
21 without hearing as provided for in the Code of Civil Procedure
22 the license of any person who fails to file a return, or to pay
23 the tax, penalty or interest shown in a filed return, or to pay
24 any final assessment of the tax, penalty, or interest as
25 required by any tax Act administered by the Illinois Department
26 of Revenue, until such time as the requirements of any such tax

1 Act are satisfied.

2 (e) In enforcing this Section, the Department upon a
3 showing of a possible violation may compel an individual
4 licensed to practice under this Act, or who has applied for
5 licensure under this Act, to submit to a mental or physical
6 examination, or both, as required by and at the expense of the
7 Department. The Department may order the examining physician to
8 present testimony concerning the mental or physical
9 examination of the licensee or applicant. No information shall
10 be excluded by reason of any common law or statutory privilege
11 relating to communications between the licensee or applicant
12 and the examining physician. The examining physicians shall be
13 specifically designated by the Department. The individual to be
14 examined may have, at his or her own expense, another physician
15 of his or her choice present during all aspects of this
16 examination. Failure of an individual to submit to a mental or
17 physical examination, when directed, shall be grounds for the
18 immediate suspension of his or her license until the individual
19 submits to the examination if the Department finds that the
20 refusal to submit to the examination was without reasonable
21 cause as defined by rule.

22 In instances in which the Secretary immediately suspends a
23 person's license for his or her failure to submit to a mental
24 or physical examination, when directed, a hearing on that
25 person's license must be convened by the Department within 15
26 days after the suspension and completed without appreciable

1 delay.

2 In instances in which the Secretary otherwise suspends a
3 person's license pursuant to the results of a compelled mental
4 or physical examination a hearing on that person's license must
5 be convened by the Department within 15 days after the
6 suspension and completed without appreciable delay. The
7 Department shall have the authority to review the subject
8 individual's record of treatment and counseling regarding the
9 impairment to the extent permitted by applicable federal
10 statutes and regulations safeguarding the confidentiality of
11 medical records.

12 An individual licensed under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate to
14 the Department that he or she can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of his or her license.

17 (Source: P.A. 96-1030, eff. 1-1-11.)

18 Section 245. The Auction License Act is amended by changing
19 Section 20-15 as follows:

20 (225 ILCS 407/20-15)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 20-15. Disciplinary actions; grounds. The Department
23 may refuse to issue or renew a license, may place on probation
24 or administrative supervision, suspend, or revoke any license

1 or may reprimand or take other disciplinary or non-disciplinary
2 action as the Department may deem proper, including the
3 imposition of fines not to exceed \$10,000 for each violation
4 upon anyone licensed under this Act for any of the following
5 reasons:

6 (1) False or fraudulent representation or material
7 misstatement in furnishing information to the Department
8 in obtaining or seeking to obtain a license.

9 (2) Violation of any provision of this Act or the rules
10 promulgated pursuant to this Act.

11 (3) Conviction of or entry of a plea of guilty or nolo
12 contendere to any crime that is a felony under the laws of
13 the United States or any state or territory thereof, or
14 that is a misdemeanor, an essential element of which is
15 dishonesty, or any crime that is directly related to the
16 practice of the profession.

17 (4) Being adjudged to be a person under legal
18 disability or subject to involuntary admission or to meet
19 the standard for judicial admission as provided in the
20 Mental Health and Developmental Disabilities Code.

21 (5) Discipline of a licensee by another state, the
22 District of Columbia, a territory of the United States, a
23 foreign nation, a governmental agency, or any other entity
24 authorized to impose discipline if at least one of the
25 grounds for that discipline is the same as or the
26 equivalent to one of the grounds for discipline set forth

1 in this Act or for failing to report to the Department,
2 within 30 days, any adverse final action taken against the
3 licensee by any other licensing jurisdiction, government
4 agency, law enforcement agency, or court, or liability for
5 conduct that would constitute grounds for action as set
6 forth in this Act.

7 (6) Engaging in the practice of auctioneering,
8 conducting an auction, or providing an auction service
9 without a license or after the license was expired,
10 revoked, suspended, or terminated or while the license was
11 inoperative.

12 (7) Attempting to subvert or cheat on the auctioneer
13 exam or any continuing education exam, or aiding or
14 abetting another to do the same.

15 (8) Directly or indirectly giving to or receiving from
16 a person, firm, corporation, partnership, or association a
17 fee, commission, rebate, or other form of compensation for
18 professional service not actually or personally rendered,
19 except that an auctioneer licensed under this Act may
20 receive a fee from another licensed auctioneer from this
21 State or jurisdiction for the referring of a client or
22 prospect for auction services to the licensed auctioneer.

23 (9) Making any substantial misrepresentation or
24 untruthful advertising.

25 (10) Making any false promises of a character likely to
26 influence, persuade, or induce.

1 (11) Pursuing a continued and flagrant course of
2 misrepresentation or the making of false promises through a
3 licensee, agent, employee, advertising, or otherwise.

4 (12) Any misleading or untruthful advertising, or
5 using any trade name or insignia of membership in any
6 auctioneer association or organization of which the
7 licensee is not a member.

8 (13) Commingling funds of others with his or her own
9 funds or failing to keep the funds of others in an escrow
10 or trustee account.

11 (14) Failure to account for, remit, or return any
12 moneys, property, or documents coming into his or her
13 possession that belong to others, acquired through the
14 practice of auctioneering, conducting an auction, or
15 providing an auction service within 30 days of the written
16 request from the owner of said moneys, property, or
17 documents.

18 (15) Failure to maintain and deposit into a special
19 account, separate and apart from any personal or other
20 business accounts, all moneys belonging to others
21 entrusted to a licensee while acting as an auctioneer,
22 associate auctioneer, auction firm, or as a temporary
23 custodian of the funds of others.

24 (16) Failure to make available to Department personnel
25 during normal business hours all escrow and trustee records
26 and related documents maintained in connection with the

1 practice of auctioneering, conducting an auction, or
2 providing an auction service within 24 hours after a
3 request from Department personnel.

4 (17) Making or filing false records or reports in his
5 or her practice, including but not limited to false records
6 or reports filed with State agencies.

7 (18) Failing to voluntarily furnish copies of all
8 written instruments prepared by the auctioneer and signed
9 by all parties to all parties at the time of execution.

10 (19) Failing to provide information within 30 days in
11 response to a written request made by the Department.

12 (20) Engaging in any act that constitutes a violation
13 of Section 2-102, 3-103, or 3-105 of the Illinois Human
14 Rights Act.

15 (21) (Blank).

16 (22) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public.

19 (23) Offering or advertising real estate for sale or
20 lease at auction without a valid broker or managing
21 broker's license under the Real Estate License Act of 1983,
22 or any successor Act, unless exempt from licensure under
23 the terms of the Real Estate License Act of 2000, or any
24 successor Act, except as provided for in Section 5-32 of
25 the Real Estate License Act of 2000.

26 (24) Inability to practice the profession with

1 reasonable judgment, skill, or safety as a result of a
2 physical illness, including, but not limited to,
3 deterioration through the aging process or loss of motor
4 skill, or a mental illness or disability.

5 (25) A pattern of practice or other behavior that
6 demonstrates incapacity or incompetence to practice under
7 this Act.

8 (26) Being named as a perpetrator in an indicated
9 report by the Department of Children and Family Services
10 under the Abused and Neglected Child Reporting Act and upon
11 proof by clear and convincing evidence that the licensee
12 has caused a child to be an abused child or a neglected
13 child as defined in the Abused and Neglected Child
14 Reporting Act.

15 (27) Inability to practice with reasonable judgment,
16 skill, or safety as a result of habitual or excessive use
17 or addiction to alcohol, narcotics, stimulants, or any
18 other chemical agent or drug.

19 (28) Wilfully failing to report an instance of
20 suspected child abuse or neglect as required by the Abused
21 and Neglected Child Reporting Act.

22 No consideration shall be given to convictions entered
23 prior to the date of the application, where the applicant has
24 completed any sentence imposed for that conviction, including
25 any period of mandatory supervised release.

26 The entry of an order by a circuit court establishing that

1 any person holding a license under this Act is subject to
2 involuntary admission or judicial admission, as provided for in
3 the Mental Health and Developmental Disabilities Code,
4 operates as an automatic suspension of that license. That
5 person may have his or her license restored only upon the
6 determination by a circuit court that the patient is no longer
7 subject to involuntary admission or judicial admission and the
8 issuance of an order so finding and discharging the patient and
9 upon the Board's recommendation to the Department that the
10 license be restored. Where circumstances so indicate, the Board
11 may recommend to the Department that it require an examination
12 prior to restoring a suspended license.

13 If the Department or Board finds an individual unable to
14 practice because of the reasons set forth in this Section, the
15 Department or Board may require that individual to submit to
16 care, counseling, or treatment by physicians approved or
17 designated by the Department or Board, as a condition, term, or
18 restriction for continued, reinstated, or renewed licensure to
19 practice; or, in lieu of care, counseling, or treatment, the
20 Department may file, or the Board may recommend to the
21 Department to file, a complaint to immediately suspend, revoke,
22 or otherwise discipline the license of the individual. An
23 individual whose license was granted, continued, reinstated,
24 renewed, disciplined or supervised subject to such terms,
25 conditions, or restrictions, and who fails to comply with such
26 terms, conditions, or restrictions, shall be referred to the

1 Secretary for a determination as to whether the individual
2 shall have his or her license suspended immediately, pending a
3 hearing by the Department. In instances in which the Secretary
4 immediately suspends a person's license under this Section, a
5 hearing on that person's license must be convened by the
6 Department within 21 days after the suspension and completed
7 without appreciable delay. The Department and Board shall have
8 the authority to review the subject individual's record of
9 treatment and counseling regarding the impairment to the extent
10 permitted by applicable federal statutes and regulations
11 safeguarding the confidentiality of medical records.

12 An individual licensed under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate to
14 the Department or Board that he or she can resume practice in
15 compliance with acceptable and prevailing standards under the
16 provisions of his or her license.

17 In enforcing this Section, the Department or Board, upon a
18 showing of a possible violation, may compel an individual
19 licensed to practice under this Act, or who has applied for
20 licensure under this Act, to submit to a mental or physical
21 examination, or both, as required by and at the expense of the
22 Department. The Department or Board may order the examining
23 physician to present testimony concerning the mental or
24 physical examination of the licensee or applicant. No
25 information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician. The
2 examining physicians shall be specifically designated by the
3 Board or Department. The individual to be examined may have, at
4 his or her own expense, another physician of his or her choice
5 present during all aspects of this examination. Failure of an
6 individual to submit to a mental or physical examination when
7 directed shall be grounds for suspension of his or her license
8 until the individual submits to the examination, if the
9 Department finds that, after notice and hearing, the refusal to
10 submit to the examination was without reasonable cause.

11 (Source: P.A. 98-553, eff. 1-1-14.)

12 Section 250. The Barber, Cosmetology, Esthetics, Hair
13 Braiding, and Nail Technology Act of 1985 is amended by
14 changing Section 4-7 as follows:

15 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

16 (Section scheduled to be repealed on January 1, 2026)

17 Sec. 4-7. Refusal, suspension and revocation of licenses;
18 causes; disciplinary action.

19 (1) The Department may refuse to issue or renew, and may
20 suspend, revoke, place on probation, reprimand or take any
21 other disciplinary or non-disciplinary action as the
22 Department may deem proper, including civil penalties not to
23 exceed \$500 for each violation, with regard to any license for
24 any one, or any combination, of the following causes:

1 a. For licensees, conviction of any crime under the
2 laws of the United States or any state or territory thereof
3 that is (i) a felony, (ii) a misdemeanor, an essential
4 element of which is dishonesty, or (iii) a crime which is
5 related to the practice of the profession and, for initial
6 applicants, convictions set forth in Section 4-6.1 of this
7 Act.

8 b. Conviction of any of the violations listed in
9 Section 4-20.

10 c. Material misstatement in furnishing information to
11 the Department.

12 d. Making any misrepresentation for the purpose of
13 obtaining a license or violating any provision of this Act
14 or its rules.

15 e. Aiding or assisting another person in violating any
16 provision of this Act or its rules.

17 f. Failing, within 60 days, to provide information in
18 response to a written request made by the Department.

19 g. Discipline by another state, territory, or country
20 if at least one of the grounds for the discipline is the
21 same as or substantially equivalent to those set forth in
22 this Act.

23 h. Practice in the barber, nail technology, esthetics,
24 hair braiding, or cosmetology profession, or an attempt to
25 practice in those professions, by fraudulent
26 misrepresentation.

- 1 i. Gross malpractice or gross incompetency.
- 2 j. Continued practice by a person knowingly having an
3 infectious or contagious disease.
- 4 k. Solicitation of professional services by using
5 false or misleading advertising.
- 6 l. A finding by the Department that the licensee, after
7 having his or her license placed on probationary status,
8 has violated the terms of probation.
- 9 m. Directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership or association
11 any fee, commission, rebate, or other form of compensation
12 for any professional services not actually or personally
13 rendered.
- 14 n. Violating any of the provisions of this Act or rules
15 adopted pursuant to this Act.
- 16 o. Willfully making or filing false records or reports
17 relating to a licensee's practice, including but not
18 limited to, false records filed with State agencies or
19 departments.
- 20 p. Habitual or excessive use or addiction to alcohol,
21 narcotics, stimulants, or any other chemical agent or drug
22 that results in the inability to practice with reasonable
23 judgment, skill or safety.
- 24 q. Engaging in dishonorable, unethical or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public as may be defined by rules of

1 the Department, or violating the rules of professional
2 conduct which may be adopted by the Department.

3 r. Permitting any person to use for any unlawful or
4 fraudulent purpose one's diploma or license or certificate
5 of registration as a cosmetologist, nail technician,
6 esthetician, hair braider, or barber or cosmetology, nail
7 technology, esthetics, hair braiding, or barber teacher or
8 salon or shop or cosmetology clinic teacher.

9 s. Being named as a perpetrator in an indicated report
10 by the Department of Children and Family Services under the
11 Abused and Neglected Child Reporting Act and upon proof by
12 clear and convincing evidence that the licensee has caused
13 a child to be an abused child or neglected child as defined
14 in the Abused and Neglected Child Reporting Act.

15 t. Operating a salon or shop without a valid
16 registration.

17 u. Failure to complete required continuing education
18 hours.

19 No consideration shall be given to convictions entered
20 prior to the date of the application, where the applicant has
21 completed any sentence imposed for that conviction, including
22 any period of mandatory supervised release.

23 (2) In rendering an order, the Secretary shall take into
24 consideration the facts and circumstances involving the type of
25 acts or omissions in paragraph (1) of this Section including,
26 but not limited to:

1 (a) the extent to which public confidence in the
2 cosmetology, nail technology, esthetics, hair braiding, or
3 barbering profession was, might have been, or may be,
4 injured;

5 (b) the degree of trust and dependence among the
6 involved parties;

7 (c) the character and degree of harm which did result
8 or might have resulted;

9 (d) the intent or mental state of the licensee at the
10 time of the acts or omissions.

11 (3) The Department may reissue the license or registration
12 upon certification by the Board that the disciplined licensee
13 or registrant has complied with all of the terms and conditions
14 set forth in the final order or has been sufficiently
15 rehabilitated to warrant the public trust.

16 (4) The Department shall refuse to issue or renew or
17 suspend without hearing the license or certificate of
18 registration of any person who fails to file a return, or to
19 pay the tax, penalty or interest shown in a filed return, or to
20 pay any final assessment of tax, penalty or interest, as
21 required by any tax Act administered by the Illinois Department
22 of Revenue, until such time as the requirements of any such tax
23 Act are satisfied as determined by the Department of Revenue.

24 (5) The Department shall deny without hearing any
25 application for a license or renewal of a license under this
26 Act by a person who has defaulted on an educational loan

1 guaranteed by the Illinois Student Assistance Commission;
2 however, the Department may issue or renew a license if the
3 person in default has established a satisfactory repayment
4 record as determined by the Illinois Student Assistance
5 Commission.

6 (6) All fines imposed under this Section shall be paid
7 within 60 days after the effective date of the order imposing
8 the fine or in accordance with the terms set forth in the order
9 imposing the fine.

10 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15;
11 99-876, eff. 1-1-17.)

12 Section 255. The Electrologist Licensing Act is amended by
13 changing Section 75 as follows:

14 (225 ILCS 412/75)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 75. Grounds for discipline.

17 (a) The Department may refuse to issue or renew and may
18 revoke or suspend a license under this Act, and may place on
19 probation, reprimand, or take other disciplinary or
20 non-disciplinary action with regard to any licensee under this
21 Act, as the Department may consider appropriate, including
22 imposing fines not to exceed \$10,000 for each violation and
23 assess costs as provided for under Section 95 of this Act, for
24 one or any combination of the following causes:

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

3 (2) Violation of this Act or rules adopted under this
4 Act.

5 (3) Conviction by plea of guilty or nolo contendere,
6 finding of guilt, jury verdict, or entry of judgment or
7 sentencing, including, but not limited to, convictions,
8 preceding sentences of supervision, conditional discharge,
9 or first offender probation, under the laws of any
10 jurisdiction of the United States that is (i) a felony or
11 (ii) a misdemeanor, an essential element of which is
12 dishonesty, or that is directly related to the practice of
13 electrology.

14 (4) Fraud or misrepresentation in applying for or
15 procuring a license under this Act, or in connection with
16 applying for renewal of a license under this Act.

17 (5) Aiding or assisting another person in violating any
18 provision of this Act or its rules.

19 (6) Failing to provide information within 60 days in
20 response to a written request made by the Department.

21 (7) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 (8) Habitual or excessive use or abuse of drugs defined
25 in law as controlled substances, alcohol, or any other
26 substance that results in an electrologist's inability to

1 practice with reasonable judgment, skill, or safety.

2 (9) Discipline by another governmental agency, unit of
3 government, U.S. jurisdiction, or foreign nation if at
4 least one of the grounds for discipline is the same as or
5 substantially equivalent to any of those set forth in this
6 Act.

7 (10) Directly or indirectly giving to or receiving from
8 any person, firm, corporation, partnership, or association
9 any fee, commission, rebate, or other form of compensation
10 for any professional services not actually or personally
11 rendered. Nothing in this paragraph (10) affects any bona
12 fide independent contractor or employment arrangements
13 among health care professionals, health facilities, health
14 care providers, or other entities, except as otherwise
15 prohibited by law. Any employment arrangements with health
16 care providers may include provisions for compensation,
17 health insurance, pension, or other employment benefits
18 for the provision of services within the scope of the
19 licensee's practice under this Act. Nothing in this
20 paragraph (10) shall be construed to require an employment
21 arrangement to receive professional fees for services
22 rendered.

23 (11) A finding by the Department that the licensee,
24 after having his or her license placed on probationary
25 status, has violated the terms of probation.

26 (12) Abandonment of a patient.

1 (13) Willfully making or filing false records or
2 reports in the licensee's practice, including, but not
3 limited to, false records filed with State agencies or
4 departments.

5 (14) Mental or physical illness or disability,
6 including, but not limited to, deterioration through the
7 aging process or loss of motor skill that results in the
8 inability to practice the profession with reasonable
9 judgment, skill, or safety.

10 (15) Negligence in his or her practice under this Act.

11 (16) Use of fraud, deception, or any unlawful means in
12 applying for and securing a license as an electrologist.

13 (17) Immoral conduct in the commission of any act, such
14 as sexual abuse, sexual misconduct, or sexual
15 exploitation, related to the licensee's practice.

16 (18) Failure to comply with standards of sterilization
17 and sanitation as defined in the rules of the Department.

18 (19) Charging for professional services not rendered,
19 including filing false statements for the collection of
20 fees for which services are not rendered.

21 (20) Allowing one's license under this Act to be used
22 by an unlicensed person in violation of this Act.

23 No consideration shall be given to convictions entered
24 prior to the date of the application, where the applicant has
25 completed any sentence imposed for that conviction, including
26 any period of mandatory supervised release.

1 (b) The Department may refuse to issue or renew or may
2 suspend without hearing the license of any person who fails to
3 file a return, to pay the tax, penalty or interest shown in a
4 filed return, or to pay any final assessment of the tax,
5 penalty, or interest as required by any tax Act administered by
6 the Illinois Department of Revenue until the requirements of
7 the tax Act are satisfied in accordance with subsection (g) of
8 Section 2105-15 of the Department of Professional Regulation
9 Law of the Civil Administrative Code of Illinois.

10 (c) The determination by a circuit court that a licensee is
11 subject to involuntary admission or judicial admission as
12 provided in the Mental Health and Developmental Disabilities
13 Code operates as an automatic suspension. The suspension will
14 end only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission,
16 the issuance of an order so finding and discharging the
17 patient, and the filing of a petition for restoration
18 demonstrating fitness to practice.

19 (d) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any individual who
21 is licensed to practice under this Act or any individual who
22 has applied for licensure to submit to a mental or physical
23 examination and evaluation, or both, that may include a
24 substance abuse or sexual offender evaluation, at the expense
25 of the Department. The Department shall specifically designate
26 the examining physician licensed to practice medicine in all of

1 its branches or, if applicable, the multidisciplinary team
2 involved in providing the mental or physical examination and
3 evaluation, or both. The multidisciplinary team shall be led by
4 a physician licensed to practice medicine in all of its
5 branches and may consist of one or more or a combination of
6 physicians licensed to practice medicine in all of its
7 branches, licensed chiropractic physicians, licensed clinical
8 psychologists, licensed clinical social workers, licensed
9 clinical professional counselors, and other professional and
10 administrative staff. Any examining physician or member of the
11 multidisciplinary team may require any person ordered to submit
12 to an examination and evaluation pursuant to this Section to
13 submit to any additional supplemental testing deemed necessary
14 to complete any examination or evaluation process, including,
15 but not limited to, blood testing, urinalysis, psychological
16 testing, or neuropsychological testing.

17 The Department may order the examining physician or any
18 member of the multidisciplinary team to provide to the
19 Department any and all records, including business records,
20 that relate to the examination and evaluation, including any
21 supplemental testing performed. The Department may order the
22 examining physician or any member of the multidisciplinary team
23 to present testimony concerning this examination and
24 evaluation of the licensee, permit holder, or applicant,
25 including testimony concerning any supplemental testing or
26 documents relating to the examination and evaluation. No

1 information, report, record, or other documents in any way
2 related to the examination and evaluation shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communication between the licensee or applicant and the
5 examining physician or any member of the multidisciplinary
6 team. No authorization is necessary from the licensee or
7 applicant ordered to undergo an evaluation and examination for
8 the examining physician or any member of the multidisciplinary
9 team to provide information, reports, records, or other
10 documents or to provide any testimony regarding the examination
11 and evaluation. The individual to be examined may have, at his
12 or her own expense, another physician of his or her choice
13 present during all aspects of the examination.

14 Failure of any individual to submit to mental or physical
15 examination and evaluation, or both, when directed, shall
16 result in an automatic suspension without hearing, until such
17 time as the individual submits to the examination. If the
18 Department finds a licensee unable to practice because of the
19 reasons set forth in this Section, the Department shall require
20 the licensee to submit to care, counseling, or treatment by
21 physicians approved or designated by the Department as a
22 condition for continued, reinstated, or renewed licensure to
23 practice.

24 When the Secretary immediately suspends a license under
25 this Section, a hearing upon the person's license must be
26 convened by the Department within 15 days after the suspension

1 and completed without appreciable delay. The Department shall
2 have the authority to review the licensee's record of treatment
3 and counseling regarding the impairment to the extent permitted
4 by applicable federal statutes and regulations safeguarding
5 the confidentiality of medical records.

6 Individuals licensed under this Act affected under this
7 Section shall be afforded an opportunity to demonstrate to the
8 Department that they can resume practice in compliance with
9 acceptable and prevailing standards under the provisions of
10 their license.

11 (e) The Department shall deny a license or renewal
12 authorized by this Act to a person who has defaulted on an
13 educational loan or scholarship provided or guaranteed by the
14 Illinois Student Assistance Commission or any governmental
15 agency of this State in accordance with item (5) of subsection
16 (a) of Section 2105-15 of the Department of Professional
17 Regulation Law of the Civil Administrative Code of Illinois.

18 (f) In cases where the Department of Healthcare and Family
19 Services has previously determined a licensee or a potential
20 licensee is more than 30 days delinquent in the payment of
21 child support and has subsequently certified the delinquency to
22 the Department, the Department may refuse to issue or renew or
23 may revoke or suspend that person's license or may take other
24 disciplinary action against that person based solely upon the
25 certification of delinquency made by the Department of
26 Healthcare and Family Services in accordance with item (5) of

1 subsection (a) of Section 2105-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code of
3 Illinois.

4 (g) All fines or costs imposed under this Section shall be
5 paid within 60 days after the effective date of the order
6 imposing the fine or costs or in accordance with the terms set
7 forth in the order imposing the fine.

8 (Source: P.A. 98-363, eff. 8-16-13.)

9 Section 260. The Illinois Certified Shorthand Reporters
10 Act of 1984 is amended by changing Section 23 as follows:

11 (225 ILCS 415/23) (from Ch. 111, par. 6223)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 23. Grounds for disciplinary action.

14 (a) The Department may refuse to issue or renew, or may
15 revoke, suspend, place on probation, reprimand or take other
16 disciplinary or non-disciplinary action as the Department may
17 deem appropriate, including imposing fines not to exceed
18 \$10,000 for each violation and the assessment of costs as
19 provided for in Section 23.3 of this Act, with regard to any
20 license for any one or combination of the following:

21 (1) Material misstatement in furnishing information to
22 the Department;

23 (2) Violations of this Act, or of the rules promulgated
24 thereunder;

1 (3) Conviction by plea of guilty or nolo contendere,
2 finding of guilt, jury verdict, or entry of judgment or by
3 sentencing of any crime, including, but not limited to,
4 convictions, preceding sentences of supervision,
5 conditional discharge, or first offender probation under
6 the laws of any jurisdiction of the United States: (i) that
7 is a felony or (ii) that is a misdemeanor, an essential
8 element of which is dishonesty, or that is directly related
9 to the practice of the profession;

10 (4) Fraud or any misrepresentation in applying for or
11 procuring a license under this Act or in connection with
12 applying for renewal of a license under this Act;

13 (5) Professional incompetence;

14 (6) Aiding or assisting another person, firm,
15 partnership or corporation in violating any provision of
16 this Act or rules;

17 (7) Failing, within 60 days, to provide information in
18 response to a written request made by the Department;

19 (8) Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public;

22 (9) Habitual or excessive use or abuse of drugs defined
23 in law as controlled substances, alcohol, or any other
24 substances that results in the inability to practice with
25 reasonable judgment, skill, or safety;

26 (10) Discipline by another state, unit of government,

1 government agency, the District of Columbia, a territory,
2 or foreign nation, if at least one of the grounds for the
3 discipline is the same or substantially equivalent to those
4 set forth herein;

5 (11) Charging for professional services not rendered,
6 including filing false statements for the collection of
7 fees for which services were not rendered, or giving,
8 directly or indirectly, any gift or anything of value to
9 attorneys or their staff or any other persons or entities
10 associated with any litigation, that exceeds \$100 total per
11 year; for the purposes of this Section, pro bono services,
12 as defined by State law, are permissible in any amount;

13 (12) A finding by the Board that the certificate
14 holder, after having his certificate placed on
15 probationary status, has violated the terms of probation;

16 (13) Willfully making or filing false records or
17 reports in the practice of shorthand reporting, including
18 but not limited to false records filed with State agencies
19 or departments;

20 (14) Physical illness, including but not limited to,
21 deterioration through the aging process, or loss of motor
22 skill which results in the inability to practice under this
23 Act with reasonable judgment, skill or safety;

24 (15) Solicitation of professional services other than
25 by permitted advertising;

26 (16) Willful failure to take full and accurate

1 stenographic notes of any proceeding;

2 (17) Willful alteration of any stenographic notes
3 taken at any proceeding;

4 (18) Willful failure to accurately transcribe verbatim
5 any stenographic notes taken at any proceeding;

6 (19) Willful alteration of a transcript of
7 stenographic notes taken at any proceeding;

8 (20) Affixing one's signature to any transcript of his
9 stenographic notes or certifying to its correctness unless
10 the transcript has been prepared by him or under his
11 immediate supervision;

12 (21) Willful failure to systematically retain
13 stenographic notes or transcripts on paper or any
14 electronic media for 10 years from the date that the notes
15 or transcripts were taken;

16 (22) Failure to deliver transcripts in a timely manner
17 or in accordance with contractual agreements;

18 (23) Establishing contingent fees as a basis of
19 compensation;

20 (24) Mental illness or disability that results in the
21 inability to practice under this Act with reasonable
22 judgment, skill, or safety;

23 (25) Practicing under a false or assumed name, except
24 as provided by law;

25 (26) Cheating on or attempting to subvert the licensing
26 examination administered under this Act;

1 (27) Allowing one's license under this Act to be used
2 by an unlicensed person in violation of this Act.

3 No consideration shall be given to convictions entered
4 prior to the date of the application, where the applicant has
5 completed any sentence imposed for that conviction, including
6 any period of mandatory supervised release.

7 All fines imposed under this Section shall be paid within
8 60 days after the effective date of the order imposing the fine
9 or in accordance with the terms set forth in the order imposing
10 the fine.

11 (b) The determination by a circuit court that a certificate
12 holder is subject to involuntary admission or judicial
13 admission as provided in the Mental Health and Developmental
14 Disabilities Code, operates as an automatic suspension. Such
15 suspension will end only upon a finding by a court that the
16 patient is no longer subject to involuntary admission or
17 judicial admission, an order by the court so finding and
18 discharging the patient. In any case where a license is
19 suspended under this Section, the licensee may file a petition
20 for restoration and shall include evidence acceptable to the
21 Department that the licensee can resume practice in compliance
22 with acceptable and prevailing standards of the profession.

23 (c) In cases where the Department of Healthcare and Family
24 Services has previously determined a licensee or a potential
25 licensee is more than 30 days delinquent in the payment of
26 child support and has subsequently certified the delinquency to

1 the Department, the Department may refuse to issue or renew or
2 may revoke or suspend that person's license or may take other
3 disciplinary action against that person based solely upon the
4 certification of delinquency made by the Department of
5 Healthcare and Family Services in accordance with item (5) of
6 subsection (a) of Section 2105-15 of the Civil Administrative
7 Code of Illinois.

8 (d) In enforcing this Section, the Department, upon a
9 showing of a possible violation, may compel any individual who
10 is certified under this Act or any individual who has applied
11 for certification under this Act to submit to a mental or
12 physical examination and evaluation, or both, which may include
13 a substance abuse or sexual offender evaluation, at the expense
14 of the Department. The Department shall specifically designate
15 the examining physician licensed to practice medicine in all of
16 its branches or, if applicable, the multidisciplinary team
17 involved in providing the mental or physical examination and
18 evaluation, or both. The multidisciplinary team shall be led by
19 a physician licensed to practice medicine in all of its
20 branches and may consist of one or more or a combination of
21 physicians licensed to practice medicine in all of its
22 branches, licensed chiropractic physicians, licensed clinical
23 psychologists, licensed clinical social workers, licensed
24 clinical professional counselors, and other professional and
25 administrative staff. Any examining physician or member of the
26 multidisciplinary team may require any person ordered to submit

1 to an examination and evaluation pursuant to this Section to
2 submit to any additional supplemental testing deemed necessary
3 to complete any examination or evaluation process, including,
4 but not limited to, blood testing, urinalysis, psychological
5 testing, or neuropsychological testing.

6 The Department may order the examining physician or any
7 member of the multidisciplinary team to provide to the
8 Department any and all records, including business records,
9 that relate to the examination and evaluation, including any
10 supplemental testing performed. The Department may order the
11 examining physician or any member of the multidisciplinary team
12 to present testimony concerning this examination and
13 evaluation of the certified shorthand reporter or applicant,
14 including testimony concerning any supplemental testing or
15 documents relating to the examination and evaluation. No
16 information, report, record, or other documents in any way
17 related to the examination and evaluation shall be excluded by
18 reason of any common law or statutory privilege relating to
19 communication between the licensee or applicant and the
20 examining physician or any member of the multidisciplinary
21 team. No authorization is necessary from the certified
22 shorthand reporter or applicant ordered to undergo an
23 evaluation and examination for the examining physician or any
24 member of the multidisciplinary team to provide information,
25 reports, records, or other documents or to provide any
26 testimony regarding the examination and evaluation. The

1 individual to be examined may have, at his or her own expense,
2 another physician of his or her choice present during all
3 aspects of the examination.

4 Failure of any individual to submit to mental or physical
5 examination and evaluation, or both, when directed, shall
6 result in an automatic suspension, without hearing, until such
7 time as the individual submits to the examination. If the
8 Department finds a certified shorthand reporter unable to
9 practice because of the reasons set forth in this Section, the
10 Department shall require the certified shorthand reporter to
11 submit to care, counseling, or treatment by physicians approved
12 or designated by the Department, as a condition for continued,
13 reinstated, or renewed certification.

14 When the Secretary immediately suspends a certificate
15 under this Section, a hearing upon the person's certificate
16 must be convened by the Department within 15 days after the
17 suspension and completed without appreciable delay. The
18 Department shall have the authority to review the certified
19 shorthand reporter's record of treatment and counseling
20 regarding the impairment, to the extent permitted by applicable
21 federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 Individuals certified under this Act, affected under this
24 Section, shall be afforded an opportunity to demonstrate to the
25 Department that they can resume practice in compliance with
26 acceptable and prevailing standards under the provisions of

1 their certification.

2 (e) The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State in accordance with item (5) of subsection
7 (a) of Section 2105-15 of the Civil Administrative Code of
8 Illinois.

9 (f) The Department may refuse to issue or may suspend
10 without hearing, as provided for in the Code of Civil
11 Procedure, the license of any person who fails to file a
12 return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay any final assessment of tax, penalty, or
14 interest as required by any tax Act administered by the
15 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied in accordance
17 with subsection (g) of Section 2105-15 of the Civil
18 Administrative Code of Illinois.

19 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

20 Section 265. The Child Protective Investigator and Child
21 Welfare Specialist Certification Act of 1987 is amended by
22 changing Section 9 as follows:

23 (225 ILCS 420/9) (from Ch. 111, par. 7659)

24 Sec. 9. (a) The Department may refuse to certify, or may

1 revoke, suspend, place on probation, censure, reprimand or take
2 other disciplinary action against a certification status in
3 accordance with grievance and due process procedures
4 applicable to existing collective bargaining agreements for
5 any of the following reasons:

6 (1) material misstatement in furnishing information to the
7 Department;

8 (2) willfully violating this Act, or of the rules
9 promulgated thereunder;

10 (3) conviction of any crime under the laws of the United
11 States or any state or territory thereof which is a felony or
12 which is a misdemeanor, an essential element of which is
13 dishonesty, or of any crime which is directly related to the
14 duties of a child protective investigator or a child welfare
15 specialist;

16 (4) making any misrepresentation for the purpose of
17 obtaining certification;

18 (5) having demonstrated incompetence to act as a child
19 protective investigator or child welfare specialist in such a
20 manner as to endanger the safety of the public;

21 (6) willfully aiding or assisting another person in
22 violating any provisions of this Act or rules;

23 (7) engaging in unethical or unprofessional conduct of a
24 character likely to deceive, defraud or harm the public;

25 (8) willfully making or filing false records or reports in
26 the capacity of a child protective investigator or child

1 welfare specialist, including but not limited to false records
2 filed with the State agencies or department;

3 (9) physical or mental deterioration which results in the
4 inability to perform the duties of the profession with
5 reasonable judgment, skill or safety as determined by a
6 qualified physician;

7 (10) gross negligence;

8 (11) accepting commissions or rebates or other forms of
9 remuneration for referring persons to other professionals,
10 persons or institutions, during the course of duties.

11 No consideration shall be given to convictions entered
12 prior to the date of the application, where the applicant has
13 completed any sentence imposed for that conviction, including
14 any period of mandatory supervised release.

15 (b) The determination by a circuit court that a certified
16 child protective investigator or child welfare specialist is
17 subject to involuntary admission or judicial admission as
18 provided in the Mental Health and Developmental Disabilities
19 Code, as now or hereafter amended, operates as an automatic
20 suspension. Such suspension will end only upon a release of the
21 patient from such involuntary admission or judicial admission.

22 (Source: P.A. 90-655, eff. 7-30-98.)

23 Section 270. The Collateral Recovery Act is amended by
24 changing Section 80 as follows:

1 (225 ILCS 422/80)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 80. Refusal, revocation, or suspension.

4 (a) The Commission may refuse to issue or renew or may
5 revoke any license or recovery permit or may suspend, place on
6 probation, fine, or take any disciplinary action that the
7 Commission may deem proper, including fines not to exceed
8 \$2,500 for each violation, with regard to any license holder or
9 recovery permit holder for one or any combination of the
10 following causes:

11 (1) Knowingly making any misrepresentation for the
12 purpose of obtaining a license or recovery permit.

13 (2) Violations of this Act or its rules.

14 (3) Conviction of any crime under the laws of the
15 United States or any state or territory thereof that is (i)
16 a felony, (ii) a misdemeanor, an essential element of which
17 is dishonesty, or (iii) a crime that is related to the
18 practice of the profession.

19 (4) Aiding or abetting another in violating any
20 provision of this Act or its rules.

21 (5) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public as defined by rule.

24 (6) Violation of any court order from any State or
25 public agency engaged in the enforcement of payment of
26 child support arrearages or for noncompliance with certain

1 processes relating to paternity or support proceeding.

2 (7) Solicitation of professional services by using
3 false or misleading advertising.

4 (8) A finding that the license or recovery permit was
5 obtained by fraudulent means.

6 (9) Practicing or attempting to practice under a name
7 other than the full name shown on the license or recovery
8 permit or any other legally authorized name.

9 No consideration shall be given to convictions entered
10 prior to the date of the application, where the applicant has
11 completed any sentence imposed for that conviction, including
12 any period of mandatory supervised release.

13 (b) The Commission may refuse to issue or may suspend the
14 license or recovery permit of any person or entity who fails to
15 file a return, pay the tax, penalty, or interest shown in a
16 filed return, or pay any final assessment of tax, penalty, or
17 interest, as required by any tax Act administered by the
18 Department of Revenue, until the time the requirements of the
19 tax Act are satisfied. The Commission may take into
20 consideration any pending tax disputes properly filed with the
21 Department of Revenue.

22 (Source: P.A. 97-576, eff. 7-1-12.)

23 Section 275. The Collection Agency Act is amended by
24 changing Section 9 as follows:

1 (225 ILCS 425/9) (from Ch. 111, par. 2012)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 9. Disciplinary actions.

4 (a) The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem proper, including fines not to exceed \$10,000 per
8 violation, for any one or any combination of the following
9 causes:

10 (1) Material misstatement in furnishing information to
11 the Department.

12 (2) Violations of this Act or of the rules promulgated
13 hereunder.

14 (3) Conviction by plea of guilty or nolo contendere,
15 finding of guilt, jury verdict, or entry of judgment or by
16 sentencing of any crime, including, but not limited to,
17 convictions, preceding sentences of supervision,
18 conditional discharge, or first offender probation of the
19 collection agency or any of the officers or owners of more
20 than 10% interest of the agency of any crime under the laws
21 of any U.S. jurisdiction that (i) is a felony, (ii) is a
22 misdemeanor, an essential element of which is dishonesty,
23 or (iii) is directly related to the practice of a
24 collection agency.

25 (4) Fraud or misrepresentation in applying for, or
26 procuring, a license under this Act or in connection with

1 applying for renewal of a license under this Act.

2 (5) Aiding or assisting another person in violating any
3 provision of this Act or rules adopted under this Act.

4 (6) Failing, within 60 days, to provide information in
5 response to a written request made by the Department.

6 (7) Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants or any other chemical agent or drug
8 which results in the inability to practice with reasonable
9 judgment, skill, or safety by any of the officers or owners
10 of 10% or more interest of a collection agency.

11 (8) Discipline by another state, the District of
12 Columbia, a territory of the United States, or a foreign
13 nation, if at least one of the grounds for the discipline
14 is the same or substantially equivalent to those set forth
15 in this Act.

16 (9) A finding by the Department that the licensee,
17 after having his license placed on probationary status, has
18 violated the terms of probation.

19 (10) Willfully making or filing false records or
20 reports in his or her practice, including, but not limited
21 to, false records filed with State agencies or departments.

22 (11) Practicing or attempting to practice under a false
23 or, except as provided by law, an assumed name.

24 (12) A finding by the Federal Trade Commission that a
25 licensee violated the federal Fair Debt Collection
26 Practices Act or its rules.

1 (13) Failure to file a return, or to pay the tax,
2 penalty or interest shown in a filed return, or to pay any
3 final assessment of tax, penalty or interest, as required
4 by any tax Act administered by the Illinois Department of
5 Revenue until such time as the requirements of any such tax
6 Act are satisfied.

7 (14) Using or threatening to use force or violence to
8 cause physical harm to a debtor, his or her family or his
9 or her property.

10 (15) Threatening to instigate an arrest or criminal
11 prosecution where no basis for a criminal complaint
12 lawfully exists.

13 (16) Threatening the seizure, attachment or sale of a
14 debtor's property where such action can only be taken
15 pursuant to court order without disclosing that prior court
16 proceedings are required.

17 (17) Disclosing or threatening to disclose information
18 adversely affecting a debtor's reputation for credit
19 worthiness with knowledge the information is false.

20 (18) Initiating or threatening to initiate
21 communication with a debtor's employer unless there has
22 been a default of the payment of the obligation for at
23 least 30 days and at least 5 days prior written notice, to
24 the last known address of the debtor, of the intention to
25 communicate with the employer has been given to the
26 employee, except as expressly permitted by law or court

1 order.

2 (19) Communicating with the debtor or any member of
3 the debtor's family at such a time of day or night and with
4 such frequency as to constitute harassment of the debtor or
5 any member of the debtor's family. For purposes of this
6 Section the following conduct shall constitute harassment:

7 (A) Communicating with the debtor or any member of
8 his or her family in connection with the collection of
9 any debt without the prior consent of the debtor given
10 directly to the debt collector, or the express
11 permission of a court of competent jurisdiction, at any
12 unusual time or place or a time or place known or which
13 should be known to be inconvenient to the debtor. In
14 the absence of knowledge of circumstances to the
15 contrary, a debt collector shall assume that the
16 convenient time for communicating with a consumer is
17 after 8 o'clock a.m. and before 9 o'clock p.m. local
18 time at the debtor's location.

19 (B) The threat of publication or publication of a
20 list of consumers who allegedly refuse to pay debts,
21 except to a consumer reporting agency.

22 (C) The threat of advertisement or advertisement
23 for sale of any debt to coerce payment of the debt.

24 (D) Causing a telephone to ring or engaging any
25 person in telephone conversation repeatedly or
26 continuously with intent to annoy, abuse, or harass any

1 person at the called number.

2 (20) Using profane, obscene or abusive language in
3 communicating with a debtor, his or her family or others.

4 (21) Disclosing or threatening to disclose information
5 relating to a debtor's debt to any other person except
6 where such other person has a legitimate business need for
7 the information or except where such disclosure is
8 permitted by law.

9 (22) Disclosing or threatening to disclose information
10 concerning the existence of a debt which the collection
11 agency knows to be disputed by the debtor without
12 disclosing the fact that the debtor disputes the debt.

13 (23) Engaging in any conduct that is intended to cause
14 and did cause mental or physical illness to the debtor or
15 his or her family.

16 (24) Attempting or threatening to enforce a right or
17 remedy with knowledge or reason to know that the right or
18 remedy does not exist.

19 (25) Failing to disclose to the debtor or his or her
20 family the corporate, partnership or proprietary name, or
21 other trade or business name, under which the collection
22 agency is engaging in debt collections and which he or she
23 is legally authorized to use.

24 (26) Using any form of communication which simulates
25 legal or judicial process or which gives the appearance of
26 being authorized, issued or approved by a governmental

1 agency or official or by an attorney at law when it is not.

2 (27) Using any badge, uniform, or other indicia of any
3 governmental agency or official except as authorized by
4 law.

5 (28) Conducting business under any name or in any
6 manner which suggests or implies that the collection agency
7 is a branch of or is affiliated in any way with a
8 governmental agency or court if such collection agency is
9 not.

10 (29) Failing to disclose, at the time of making any
11 demand for payment, the name of the person to whom the debt
12 is owed and at the request of the debtor, the address where
13 payment is to be made and the address of the person to whom
14 the debt is owed.

15 (30) Misrepresenting the amount of the debt alleged to
16 be owed.

17 (31) Representing that an existing debt may be
18 increased by the addition of attorney's fees,
19 investigation fees or any other fees or charges when such
20 fees or charges may not legally be added to the existing
21 debt.

22 (32) Representing that the collection agency is an
23 attorney at law or an agent for an attorney if he or she is
24 not.

25 (33) Collecting or attempting to collect any interest
26 or other charge or fee in excess of the actual debt unless

1 such interest or other charge or fee is expressly
2 authorized by the agreement creating the debt unless
3 expressly authorized by law or unless in a commercial
4 transaction such interest or other charge or fee is
5 expressly authorized in a subsequent agreement. If a
6 contingency or hourly fee arrangement (i) is established
7 under an agreement between a collection agency and a
8 creditor to collect a debt and (ii) is paid by a debtor
9 pursuant to a contract between the debtor and the creditor,
10 then that fee arrangement does not violate this Section
11 unless the fee is unreasonable. The Department shall
12 determine what constitutes a reasonable collection fee.

13 (34) Communicating or threatening to communicate with
14 a debtor when the collection agency is informed in writing
15 by an attorney that the attorney represents the debtor
16 concerning the debt. If the attorney fails to respond
17 within a reasonable period of time, the collector may
18 communicate with the debtor. The collector may communicate
19 with the debtor when the attorney gives his or her consent.

20 (35) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 No consideration shall be given to convictions entered
24 prior to the date of the application, where the applicant has
25 completed any sentence imposed for that conviction, including
26 any period of mandatory supervised release.

1 (b) The Department shall deny any license or renewal
2 authorized by this Act to any person who has defaulted on an
3 educational loan guaranteed by the Illinois State Scholarship
4 Commission; however, the Department may issue a license or
5 renewal if the person in default has established a satisfactory
6 repayment record as determined by the Illinois State
7 Scholarship Commission.

8 No collection agency while collecting or attempting to
9 collect a debt shall engage in any of the Acts specified in
10 this Section, each of which shall be unlawful practice.

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

12 Section 280. The Community Association Manager Licensing
13 and Disciplinary Act is amended by changing Sections 85 as
14 follows:

15 (225 ILCS 427/85)

16 (Section scheduled to be repealed on January 1, 2020)

17 Sec. 85. Grounds for discipline; refusal, revocation, or
18 suspension.

19 (a) The Department may refuse to issue or renew a license,
20 or may place on probation, reprimand, suspend, or revoke any
21 license, or take any other disciplinary or non-disciplinary
22 action as the Department may deem proper and impose a fine not
23 to exceed \$10,000 for each violation upon any licensee or
24 applicant under this Act or any person or entity who holds

1 himself, herself, or itself out as an applicant or licensee for
2 any one or combination of the following causes:

3 (1) Material misstatement in furnishing information to
4 the Department.

5 (2) Violations of this Act or its rules.

6 (3) Conviction of or entry of a plea of guilty or plea
7 of nolo contendere to a felony or a misdemeanor under the
8 laws of the United States, any state, or any other
9 jurisdiction or entry of an administrative sanction by a
10 government agency in this State or any other jurisdiction.
11 Action taken under this paragraph (3) for a misdemeanor or
12 an administrative sanction is limited to a misdemeanor or
13 administrative sanction that has as an essential element
14 dishonesty or fraud, that involves larceny, embezzlement,
15 or obtaining money, property, or credit by false pretenses
16 or by means of a confidence game, or that is directly
17 related to the practice of the profession.

18 (4) Making any misrepresentation for the purpose of
19 obtaining a license or violating any provision of this Act
20 or its rules.

21 (5) Professional incompetence.

22 (6) Gross negligence.

23 (7) Aiding or assisting another person in violating any
24 provision of this Act or its rules.

25 (8) Failing, within 30 days, to provide information in
26 response to a request made by the Department.

1 (9) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud or harm the public as defined by the rules of the
4 Department, or violating the rules of professional conduct
5 adopted by the Department.

6 (10) Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in the inability to practice with reasonable
9 judgment, skill, or safety.

10 (11) Having been disciplined by another state, the
11 District of Columbia, a territory, a foreign nation, or a
12 governmental agency authorized to impose discipline if at
13 least one of the grounds for the discipline is the same or
14 substantially equivalent of one of the grounds for which a
15 licensee may be disciplined under this Act. A certified
16 copy of the record of the action by the other state or
17 jurisdiction shall be prima facie evidence thereof.

18 (12) Directly or indirectly giving to or receiving from
19 any person, firm, corporation, partnership or association
20 any fee, commission, rebate, or other form of compensation
21 for any professional services not actually or personally
22 rendered.

23 (13) A finding by the Department that the licensee,
24 after having his, her, or its license placed on
25 probationary status, has violated the terms of probation.

26 (14) Willfully making or filing false records or

1 reports relating to a licensee's practice, including but
2 not limited to false records filed with any State or
3 federal agencies or departments.

4 (15) Being named as a perpetrator in an indicated
5 report by the Department of Children and Family Services
6 under the Abused and Neglected Child Reporting Act and upon
7 proof by clear and convincing evidence that the licensee
8 has caused a child to be an abused child or neglected child
9 as defined in the Abused and Neglected Child Reporting Act.

10 (16) Physical illness or mental illness or impairment,
11 including, but not limited to, deterioration through the
12 aging process or loss of motor skill that results in the
13 inability to practice the profession with reasonable
14 judgment, skill, or safety.

15 (17) Solicitation of professional services by using
16 false or misleading advertising.

17 (18) A finding that licensure has been applied for or
18 obtained by fraudulent means.

19 (19) Practicing or attempting to practice under a name
20 other than the full name as shown on the license or any
21 other legally authorized name.

22 (20) Gross overcharging for professional services
23 including, but not limited to, (i) collection of fees or
24 moneys for services that are not rendered; and (ii)
25 charging for services that are not in accordance with the
26 contract between the licensee and the community

1 association.

2 (21) Improper commingling of personal and client funds
3 in violation of this Act or any rules promulgated thereto.

4 (22) Failing to account for or remit any moneys or
5 documents coming into the licensee's possession that
6 belong to another person or entity.

7 (23) Giving differential treatment to a person that is
8 to that person's detriment because of race, color, creed,
9 sex, religion, or national origin.

10 (24) Performing and charging for services without
11 reasonable authorization to do so from the person or entity
12 for whom service is being provided.

13 (25) Failing to make available to the Department, upon
14 request, any books, records, or forms required by this Act.

15 (26) Purporting to be a supervising community
16 association manager of a firm without active participation
17 in the firm.

18 (27) Failing to make available to the Department at the
19 time of the request any indicia of licensure or
20 registration issued under this Act.

21 (28) Failing to maintain and deposit funds belonging to
22 a community association in accordance with subsection (b)
23 of Section 55 of this Act.

24 (29) Violating the terms of a disciplinary order issued
25 by the Department.

26 No consideration shall be given to convictions entered

1 prior to the date of the application, where the applicant has
2 completed any sentence imposed for that conviction, including
3 any period of mandatory supervised release.

4 (b) In accordance with subdivision (a)(5) of Section
5 2105-15 of the Department of Professional Regulation Law of the
6 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15),
7 the Department shall deny a license or renewal authorized by
8 this Act to a person who has defaulted on an educational loan
9 or scholarship provided or guaranteed by the Illinois Student
10 Assistance Commission or any governmental agency of this State.

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

21 (d) In accordance with subsection (g) of Section 2105-15 of
22 the Department of Professional Regulation Law of the Civil
23 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
24 Department may refuse to issue or renew or may suspend the
25 license of any person who fails to file a return, to pay the
26 tax, penalty, or interest shown in a filed return, or to pay

1 any final assessment of tax, penalty, or interest, as required
2 by any tax Act administered by the Department of Revenue, until
3 such time as the requirements of that tax Act are satisfied.

4 (e) In accordance with subdivision (a)(5) of Section
5 2105-15 of the Department of Professional Regulation Law of the
6 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
7 and in cases where the Department of Healthcare and Family
8 Services (formerly Department of Public Aid) has previously
9 determined that a licensee or a potential licensee is more than
10 30 days delinquent in the payment of child support and has
11 subsequently certified the delinquency to the Department may
12 refuse to issue or renew or may revoke or suspend that person's
13 license or may take other disciplinary action against that
14 person based solely upon the certification of delinquency made
15 by the Department of Healthcare and Family Services.

16 (f) In enforcing this Section, the Department or Board upon
17 a showing of a possible violation may compel a licensee or an
18 individual licensed to practice under this Act, or who has
19 applied for licensure under this Act, to submit to a mental or
20 physical examination, or both, as required by and at the
21 expense of the Department. The Department or Board may order
22 the examining physician to present testimony concerning the
23 mental or physical examination of the licensee or applicant. No
24 information shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician. The

1 examining physicians shall be specifically designated by the
2 Board or Department. The individual to be examined may have, at
3 his or her own expense, another physician of his or her choice
4 present during all aspects of this examination. Failure of an
5 individual to submit to a mental or physical examination, when
6 directed, shall be grounds for suspension of his or her license
7 or denial of his or her application or renewal until the
8 individual submits to the examination if the Department finds,
9 after notice and hearing, that the refusal to submit to the
10 examination was without reasonable cause.

11 If the Department or Board finds an individual unable to
12 practice because of the reasons set forth in this Section, the
13 Department or Board may require that individual to submit to
14 care, counseling, or treatment by physicians approved or
15 designated by the Department or Board, as a condition, term, or
16 restriction for continued, reinstated, or renewed licensure to
17 practice; or, in lieu of care, counseling, or treatment, the
18 Department may file, or the Board may recommend to the
19 Department to file, a complaint to immediately suspend, revoke,
20 deny, or otherwise discipline the license of the individual. An
21 individual whose license was granted, continued, reinstated,
22 renewed, disciplined or supervised subject to such terms,
23 conditions, or restrictions, and who fails to comply with such
24 terms, conditions, or restrictions, shall be referred to the
25 Secretary for a determination as to whether the individual
26 shall have his or her license suspended immediately, pending a

1 hearing by the Department.

2 In instances in which the Secretary immediately suspends a
3 person's license under this Section, a hearing on that person's
4 license must be convened by the Department within 30 days after
5 the suspension and completed without appreciable delay. The
6 Department and Board shall have the authority to review the
7 subject individual's record of treatment and counseling
8 regarding the impairment to the extent permitted by applicable
9 federal statutes and regulations safeguarding the
10 confidentiality of medical records.

11 An individual licensed under this Act and affected under
12 this Section shall be afforded an opportunity to demonstrate to
13 the Department or Board that he or she can resume practice in
14 compliance with acceptable and prevailing standards under the
15 provisions of his or her license.

16 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
17 98-756, eff. 7-16-14.)

18 Section 285. The Detection of Deception Examiners Act is
19 amended by changing Section 14 as follows:

20 (225 ILCS 430/14) (from Ch. 111, par. 2415)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 14. (a) The Department may refuse to issue or renew or
23 may revoke, suspend, place on probation, reprimand, or take
24 other disciplinary or non-disciplinary action as the

1 Department may deem appropriate, including imposing fines not
2 to exceed \$10,000 for each violation, with regard to any
3 license for any one or a combination of the following:

4 (1) Material misstatement in furnishing information to
5 the Department.

6 (2) Violations of this Act, or of the rules adopted
7 under this Act.

8 (3) Conviction by plea of guilty or nolo contendere,
9 finding of guilt, jury verdict, or entry of judgment or by
10 sentencing of any crime, including, but not limited to,
11 convictions, preceding sentences of supervision,
12 conditional discharge, or first offender probation, under
13 the laws of any jurisdiction of the United States: (i) that
14 is a felony or (ii) that is a misdemeanor, an essential
15 element of which is dishonesty, or that is directly related
16 to the practice of the profession.

17 (4) Making any misrepresentation for the purpose of
18 obtaining licensure or violating any provision of this Act
19 or the rules adopted under this Act pertaining to
20 advertising.

21 (5) Professional incompetence.

22 (6) Allowing one's license under this Act to be used by
23 an unlicensed person in violation of this Act.

24 (7) Aiding or assisting another person in violating
25 this Act or any rule adopted under this Act.

26 (8) Where the license holder has been adjudged mentally

1 ill, mentally deficient or subject to involuntary
2 admission as provided in the Mental Health and
3 Developmental Disabilities Code.

4 (9) Failing, within 60 days, to provide information in
5 response to a written request made by the Department.

6 (10) Engaging in dishonorable, unethical, or
7 unprofessional conduct of a character likely to deceive,
8 defraud, or harm the public.

9 (11) Inability to practice with reasonable judgment,
10 skill, or safety as a result of habitual or excessive use
11 or addiction to alcohol, narcotics, stimulants, or any
12 other chemical agent or drug.

13 (12) Discipline by another state, District of
14 Columbia, territory, or foreign nation, if at least one of
15 the grounds for the discipline is the same or substantially
16 equivalent to those set forth in this Section.

17 (13) A finding by the Department that the licensee,
18 after having his or her license placed on probationary
19 status, has violated the terms of probation.

20 (14) Willfully making or filing false records or
21 reports in his or her practice, including, but not limited
22 to, false records filed with State agencies or departments.

23 (15) Inability to practice the profession with
24 reasonable judgment, skill, or safety as a result of a
25 physical illness, including, but not limited to,
26 deterioration through the aging process or loss of motor

1 skill, or a mental illness or disability.

2 (16) Charging for professional services not rendered,
3 including filing false statements for the collection of
4 fees for which services are not rendered.

5 (17) Practicing under a false or, except as provided by
6 law, an assumed name.

7 (18) Fraud or misrepresentation in applying for, or
8 procuring, a license under this Act or in connection with
9 applying for renewal of a license under this Act.

10 (19) Cheating on or attempting to subvert the licensing
11 examination administered under this Act.

12 No consideration shall be given to convictions entered
13 prior to the date of the application, where the applicant has
14 completed any sentence imposed for that conviction, including
15 any period of mandatory supervised release.

16 All fines imposed under this Section shall be paid within
17 60 days after the effective date of the order imposing the
18 fine.

19 (b) The Department may refuse to issue or may suspend
20 without hearing, as provided for in the Code of Civil
21 Procedure, the license of any person who fails to file a
22 return, or pay the tax, penalty, or interest shown in a filed
23 return, or pay any final assessment of the tax, penalty, or
24 interest as required by any tax Act administered by the
25 Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied in accordance

1 with subsection (g) of Section 2105-15 of the Civil
2 Administrative Code of Illinois.

3 (c) The Department shall deny a license or renewal
4 authorized by this Act to a person who has defaulted on an
5 educational loan or scholarship provided or guaranteed by the
6 Illinois Student Assistance Commission or any governmental
7 agency of this State in accordance with item (5) of subsection
8 (a) of Section 2105-15 of the Civil Administrative Code of
9 Illinois.

10 (d) In cases where the Department of Healthcare and Family
11 Services has previously determined a licensee or a potential
12 licensee is more than 30 days delinquent in the payment of
13 child support and has subsequently certified the delinquency to
14 the Department, the Department may refuse to issue or renew or
15 may revoke or suspend that person's license or may take other
16 disciplinary action against that person based solely upon the
17 certification of delinquency made by the Department of
18 Healthcare and Family Services in accordance with item (5) of
19 subsection (a) of Section 2105-15 of the Civil Administrative
20 Code of Illinois.

21 (e) The determination by a circuit court that a licensee is
22 subject to involuntary admission or judicial admission, as
23 provided in the Mental Health and Developmental Disabilities
24 Code, operates as an automatic suspension. The suspension will
25 end only upon a finding by a court that the patient is no
26 longer subject to involuntary admission or judicial admission

1 and the issuance of an order so finding and discharging the
2 patient.

3 (f) In enforcing this Act, the Department, upon a showing
4 of a possible violation, may compel an individual licensed to
5 practice under this Act, or who has applied for licensure under
6 this Act, to submit to a mental or physical examination, or
7 both, as required by and at the expense of the Department. The
8 Department may order the examining physician to present
9 testimony concerning the mental or physical examination of the
10 licensee or applicant. No information shall be excluded by
11 reason of any common law or statutory privilege relating to
12 communications between the licensee or applicant and the
13 examining physician. The examining physicians shall be
14 specifically designated by the Department. The individual to be
15 examined may have, at his or her own expense, another physician
16 of his or her choice present during all aspects of this
17 examination. The examination shall be performed by a physician
18 licensed to practice medicine in all its branches. Failure of
19 an individual to submit to a mental or physical examination,
20 when directed, shall result in an automatic suspension without
21 hearing.

22 A person holding a license under this Act or who has
23 applied for a license under this Act who, because of a physical
24 or mental illness or disability, including, but not limited to,
25 deterioration through the aging process or loss of motor skill,
26 is unable to practice the profession with reasonable judgment,

1 skill, or safety, may be required by the Department to submit
2 to care, counseling, or treatment by physicians approved or
3 designated by the Department as a condition, term, or
4 restriction for continued, reinstated, or renewed licensure to
5 practice. Submission to care, counseling, or treatment as
6 required by the Department shall not be considered discipline
7 of a license. If the licensee refuses to enter into a care,
8 counseling, or treatment agreement or fails to abide by the
9 terms of the agreement, the Department may file a complaint to
10 revoke, suspend, or otherwise discipline the license of the
11 individual. The Secretary may order the license suspended
12 immediately, pending a hearing by the Department. Fines shall
13 not be assessed in disciplinary actions involving physical or
14 mental illness or impairment.

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

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

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

3 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;
4 98-756, eff. 7-16-14.)

5 Section 290. The Home Inspector License Act is amended by
6 changing Section 15-10 as follows:

7 (225 ILCS 441/15-10)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 15-10. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action as the Department may
13 deem appropriate, including imposing fines not to exceed
14 \$25,000 for each violation, with regard to any license for any
15 one or combination of the following:

16 (1) Fraud or misrepresentation in applying for, or
17 procuring a license under this Act or in connection with
18 applying for renewal of a license under this Act.

19 (2) Failing to meet the minimum qualifications for
20 licensure as a home inspector established by this Act.

21 (3) Paying money, other than for the fees provided for
22 by this Act, or anything of value to an employee of the
23 Department to procure licensure under this Act.

24 (4) Conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or by
2 sentencing of any crime, including, but not limited to,
3 convictions, preceding sentences of supervision,
4 conditional discharge, or first offender probation, under
5 the laws of any jurisdiction of the United States: (i) that
6 is a felony; (ii) that is a misdemeanor, an essential
7 element of which is dishonesty, or that is directly related
8 to the practice of the profession; or (iii) that is a crime
9 that subjects the licensee to compliance with the
10 requirements of the Sex Offender Registration Act.

11 (5) Committing an act or omission involving
12 dishonesty, fraud, or misrepresentation with the intent to
13 substantially benefit the licensee or another person or
14 with the intent to substantially injure another person.

15 (6) Violating a provision or standard for the
16 development or communication of home inspections as
17 provided in Section 10-5 of this Act or as defined in the
18 rules.

19 (7) Failing or refusing to exercise reasonable
20 diligence in the development, reporting, or communication
21 of a home inspection report, as defined by this Act or the
22 rules.

23 (8) Violating a provision of this Act or the rules.

24 (9) Having been disciplined by another state, the
25 District of Columbia, a territory, a foreign nation, a
26 governmental agency, or any other entity authorized to

1 impose discipline if at least one of the grounds for that
2 discipline is the same as or substantially equivalent to
3 one of the grounds for which a licensee may be disciplined
4 under this Act.

5 (10) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 (11) Accepting an inspection assignment when the
9 employment itself is contingent upon the home inspector
10 reporting a predetermined analysis or opinion, or when the
11 fee to be paid is contingent upon the analysis, opinion, or
12 conclusion reached or upon the consequences resulting from
13 the home inspection assignment.

14 (12) Developing home inspection opinions or
15 conclusions based on the race, color, religion, sex,
16 national origin, ancestry, age, marital status, family
17 status, physical or mental disability, or unfavorable
18 military discharge, as defined under the Illinois Human
19 Rights Act, of the prospective or present owners or
20 occupants of the area or property under home inspection.

21 (13) Being adjudicated liable in a civil proceeding on
22 grounds of fraud, misrepresentation, or deceit. In a
23 disciplinary proceeding based upon a finding of civil
24 liability, the home inspector shall be afforded an
25 opportunity to present mitigating and extenuating
26 circumstances, but may not collaterally attack the civil

1 adjudication.

2 (14) Being adjudicated liable in a civil proceeding for
3 violation of a State or federal fair housing law.

4 (15) Engaging in misleading or untruthful advertising
5 or using a trade name or insignia of membership in a home
6 inspection organization of which the licensee is not a
7 member.

8 (16) Failing, within 30 days, to provide information in
9 response to a written request made by the Department.

10 (17) Failing to include within the home inspection
11 report the home inspector's license number and the date of
12 expiration of the license. All home inspectors providing
13 significant contribution to the development and reporting
14 of a home inspection must be disclosed in the home
15 inspection report. It is a violation of this Act for a home
16 inspector to sign a home inspection report knowing that a
17 person providing a significant contribution to the report
18 has not been disclosed in the home inspection report.

19 (18) Advising a client as to whether the client should
20 or should not engage in a transaction regarding the
21 residential real property that is the subject of the home
22 inspection.

23 (19) Performing a home inspection in a manner that
24 damages or alters the residential real property that is the
25 subject of the home inspection without the consent of the
26 owner.

1 (20) Performing a home inspection when the home
2 inspector is providing or may also provide other services
3 in connection with the residential real property or
4 transaction, or has an interest in the residential real
5 property, without providing prior written notice of the
6 potential or actual conflict and obtaining the prior
7 consent of the client as provided by rule.

8 (21) Aiding or assisting another person in violating
9 any provision of this Act or rules adopted under this Act.

10 (22) Inability to practice with reasonable judgment,
11 skill, or safety as a result of habitual or excessive use
12 or addiction to alcohol, narcotics, stimulants, or any
13 other chemical agent or drug.

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

17 (24) Willfully making or filing false records or
18 reports in his or her practice, including, but not limited
19 to, false records filed with State agencies or departments.

20 (25) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered.

23 (26) Practicing under a false or, except as provided by
24 law, an assumed name.

25 (27) Cheating on or attempting to subvert the licensing
26 examination administered under this Act.

1 No consideration shall be given to convictions entered
2 prior to the date of the application, where the applicant has
3 completed any sentence imposed for that conviction, including
4 any period of mandatory supervised release.

5 (b) The Department may suspend, revoke, or refuse to issue
6 or renew an education provider's license, may reprimand, place
7 on probation, or otherwise discipline an education provider
8 licensee, and may suspend or revoke the course approval of any
9 course offered by an education provider, for any of the
10 following:

11 (1) Procuring or attempting to procure licensure by
12 knowingly making a false statement, submitting false
13 information, making any form of fraud or
14 misrepresentation, or refusing to provide complete
15 information in response to a question in an application for
16 licensure.

17 (2) Failing to comply with the covenants certified to
18 on the application for licensure as an education provider.

19 (3) Committing an act or omission involving
20 dishonesty, fraud, or misrepresentation or allowing any
21 such act or omission by any employee or contractor under
22 the control of the education provider.

23 (4) Engaging in misleading or untruthful advertising.

24 (5) Failing to retain competent instructors in
25 accordance with rules adopted under this Act.

26 (6) Failing to meet the topic or time requirements for

1 course approval as the provider of a pre-license curriculum
2 course or a continuing education course.

3 (7) Failing to administer an approved course using the
4 course materials, syllabus, and examinations submitted as
5 the basis of the course approval.

6 (8) Failing to provide an appropriate classroom
7 environment for presentation of courses, with
8 consideration for student comfort, acoustics, lighting,
9 seating, workspace, and visual aid material.

10 (9) Failing to maintain student records in compliance
11 with the rules adopted under this Act.

12 (10) Failing to provide a certificate, transcript, or
13 other student record to the Department or to a student as
14 may be required by rule.

15 (11) Failing to fully cooperate with a Department
16 investigation by knowingly making a false statement,
17 submitting false or misleading information, or refusing to
18 provide complete information in response to written
19 interrogatories or a written request for documentation
20 within 30 days of the request.

21 (c) In appropriate cases, the Department may resolve a
22 complaint against a licensee through the issuance of a Consent
23 to Administrative Supervision order. A licensee subject to a
24 Consent to Administrative Supervision order shall be
25 considered by the Department as an active licensee in good
26 standing. This order shall not be reported as or considered by

1 the Department to be a discipline of the licensee. The records
2 regarding an investigation and a Consent to Administrative
3 Supervision order shall be considered confidential and shall
4 not be released by the Department except as mandated by law.
5 The complainant shall be notified that his or her complaint has
6 been resolved by a Consent to Administrative Supervision order.

7 (d) The Department may refuse to issue or may suspend
8 without hearing, as provided for in the Code of Civil
9 Procedure, the license of any person who fails to file a tax
10 return, to pay the tax, penalty, or interest shown in a filed
11 tax return, or to pay any final assessment of tax, penalty, or
12 interest, as required by any tax Act administered by the
13 Illinois Department of Revenue, until such time as the
14 requirements of the tax Act are satisfied in accordance with
15 subsection (g) of Section 2105-15 of the Civil Administrative
16 Code of Illinois.

17 (e) The Department shall deny a license or renewal
18 authorized by this Act to a person who has defaulted on an
19 educational loan or scholarship provided or guaranteed by the
20 Illinois Student Assistance Commission or any governmental
21 agency of this State in accordance with item (5) of subsection
22 (a) of Section 2105-15 of the Civil Administrative Code of
23 Illinois.

24 (f) In cases where the Department of Healthcare and Family
25 Services has previously determined that a licensee or a
26 potential licensee is more than 30 days delinquent in the

1 payment of child support and has subsequently certified the
2 delinquency to the Department, the Department may refuse to
3 issue or renew or may revoke or suspend that person's license
4 or may take other disciplinary action against that person based
5 solely upon the certification of delinquency made by the
6 Department of Healthcare and Family Services in accordance with
7 item (5) of subsection (a) of Section 2105-15 of the Civil
8 Administrative Code of Illinois.

9 (g) The determination by a circuit court that a licensee is
10 subject to involuntary admission or judicial admission, as
11 provided in the Mental Health and Developmental Disabilities
12 Code, operates as an automatic suspension. The suspension will
13 end only upon a finding by a court that the patient is no
14 longer subject to involuntary admission or judicial admission
15 and the issuance of a court order so finding and discharging
16 the patient.

17 (h) In enforcing this Act, the Department, upon a showing
18 of a possible violation, may compel an individual licensed to
19 practice under this Act, or who has applied for licensure under
20 this Act, to submit to a mental or physical examination, or
21 both, as required by and at the expense of the Department. The
22 Department may order the examining physician to present
23 testimony concerning the mental or physical examination of the
24 licensee or applicant. No information shall be excluded by
25 reason of any common law or statutory privilege relating to
26 communications between the licensee or applicant and the

1 examining physician. The examining physician shall be
2 specifically designated by the Department. The individual to be
3 examined may have, at his or her own expense, another physician
4 of his or her choice present during all aspects of this
5 examination. The examination shall be performed by a physician
6 licensed to practice medicine in all its branches. Failure of
7 an individual to submit to a mental or physical examination,
8 when directed, shall result in an automatic suspension without
9 hearing.

10 A person holding a license under this Act or who has
11 applied for a license under this Act, who, because of a
12 physical or mental illness or disability, including, but not
13 limited to, deterioration through the aging process or loss of
14 motor skill, is unable to practice the profession with
15 reasonable judgment, skill, or safety, may be required by the
16 Department to submit to care, counseling, or treatment by
17 physicians approved or designated by the Department as a
18 condition, term, or restriction for continued, reinstated, or
19 renewed licensure to practice. Submission to care, counseling,
20 or treatment as required by the Department shall not be
21 considered discipline of a license. If the licensee refuses to
22 enter into a care, counseling, or treatment agreement or fails
23 to abide by the terms of the agreement, the Department may file
24 a complaint to revoke, suspend, or otherwise discipline the
25 license of the individual. The Secretary may order the license
26 suspended immediately, pending a hearing by the Department.

1 Fines shall not be assessed in disciplinary actions involving
2 physical or mental illness or impairment.

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

12 An individual licensed under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate to
14 the Department that he or she can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of his or her license.

17 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
18 98-756, eff. 7-16-14.)

19 Section 295. The Interpreter for the Deaf Licensure Act of
20 2007 is amended by changing Section 115 as follows:

21 (225 ILCS 443/115)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 115. Grounds for disciplinary action.

24 (a) The Commission may refuse to issue or renew any license

1 and the Department may suspend or revoke any license or may
2 place on probation, censure, reprimand, or take other
3 disciplinary action deemed appropriate by the Department,
4 including the imposition of fines not to exceed \$2,500 for each
5 violation, with regard to any license issued under this Act for
6 any one or more of the following reasons:

7 (1) Material deception in furnishing information to
8 the Commission or the Department.

9 (2) Violations or negligent or intentional disregard
10 of any provision of this Act or its rules.

11 (3) Conviction of any crime under the laws of any
12 jurisdiction of the United States that is a felony or a
13 misdemeanor, an essential element of which is dishonesty,
14 or that is directly related to the practice of
15 interpreting.

16 (4) A pattern of practice or other behavior that
17 demonstrates incapacity or incompetence to practice under
18 this Act.

19 (5) Knowingly aiding or assisting another person in
20 violating any provision of this Act or rules adopted
21 thereunder.

22 (6) Failing, within 60 days, to provide a response to a
23 request for information in response to a written request
24 made by the Commission or the Department by certified mail.

25 (7) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

2 (8) Habitual use of or addiction to alcohol, narcotics,
3 stimulants, or any other chemical agent or drug that
4 results in a licensee's inability to practice with
5 reasonable judgment, skill, or safety.

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

10 (10) A finding that the licensee, after having his or
11 her license placed on probationary status, has violated the
12 terms of probation.

13 (11) Being named as a perpetrator in an indicated
14 report by the Department of Children and Family Services
15 under the Abused and Neglected Child Reporting Act and upon
16 proof by clear and convincing evidence that the licensee
17 has caused a child to be an abused child or a neglected
18 child, as defined in the Abused and Neglected Child
19 Reporting Act.

20 (12) Gross negligence in the practice of interpreting.

21 (13) Holding oneself out to be a practicing interpreter
22 for the deaf under any name other than one's own.

23 (14) Knowingly allowing another person or organization
24 to use the licensee's license to deceive the public.

25 (15) Attempting to subvert or cheat on an
26 interpreter-related examination or evaluation.

1 (16) Immoral conduct in the commission of an act, such
2 as sexual abuse, sexual misconduct, or sexual
3 exploitation, related to the licensee's practice.

4 (17) Willfully violating State or federal
5 confidentiality laws or the confidentiality between an
6 interpreter and client, except as required by State or
7 federal law.

8 (18) Practicing or attempting to practice interpreting
9 under a name other than one's own.

10 (19) The use of any false, fraudulent, or deceptive
11 statement in any document connected with the licensee's
12 practice.

13 (20) Failure of a licensee to report to the Commission
14 any adverse final action taken against him or her by
15 another licensing jurisdiction, any peer review body, any
16 professional deaf or hard of hearing interpreting
17 association, any governmental Commission, by law
18 enforcement Commission, or any court for a deaf or hard of
19 hearing interpreting liability claim related to acts or
20 conduct similar to acts or conduct that would constitute
21 grounds for action as provided in this Section.

22 (21) Failure of a licensee to report to the Commission
23 surrender by the licensee of his or her license or
24 authorization to practice interpreting in another state or
25 jurisdiction or current surrender by the licensee of
26 membership in any deaf or hard of hearing interpreting

1 association or society while under disciplinary
2 investigation by any of those authorities or bodies for
3 acts or conduct similar to acts or conduct that would
4 constitute grounds for action as provided by this Section.

5 (22) Physical illness or injury including, but not
6 limited to, deterioration through the aging process or loss
7 of motor skill, mental illness, or disability that results
8 in the inability to practice the profession with reasonable
9 judgment, skill, or safety.

10 (23) Gross and willful overcharging for interpreter
11 services, including filing false statements for collection
12 of fees for which services have not been rendered.

13 No consideration shall be given to convictions entered
14 prior to the date of the application, where the applicant has
15 completed any sentence imposed for that conviction, including
16 any period of mandatory supervised release.

17 (b) The Commission may refuse to issue or the Department
18 may suspend the license of any person who fails to file a
19 return, to pay the tax, penalty, or interest shown in a filed
20 return, or to pay any final assessment of the tax, penalty, or
21 interest as required by any tax Act administered by the
22 Illinois Department of Revenue, until such time as the
23 requirements of any such tax Act are satisfied.

24 (c) In enforcing this Section, the Commission, upon a
25 showing of a possible violation, may compel an individual
26 licensed under this Act, or who has applied for licensure under

1 this Act, to submit to a mental or physical examination, or
2 both, as required by and at the expense of the Commission. The
3 Commission may order the examining physician to present
4 testimony concerning the mental or physical examination of the
5 licensee or applicant. No information shall be excluded by
6 reason of any common law or statutory privilege relating to
7 communications between the licensee or applicant and the
8 examining physician. The Commission shall specifically
9 designate the examining physicians. The individual to be
10 examined may have, at his or her own expense, another physician
11 of his or her choice present during all aspects of this
12 examination. Failure of an individual to submit to a mental or
13 physical examination, when directed, shall be grounds for
14 suspension of his or her license until the individual submits
15 to the examination if the Commission finds, after notice and
16 hearing, that the refusal to submit to the examination was
17 without reasonable cause.

18 If the Commission finds an individual unable to practice
19 because of the reasons set forth in this subsection (c), the
20 Commission may require that individual to submit to care,
21 counseling, or treatment by physicians approved or designated
22 by the Commission as a condition, term, or restriction for
23 continued, reinstated, or renewed licensure to practice or, in
24 lieu of care, counseling, or treatment, the Commission may file
25 a complaint to immediately suspend, revoke, or otherwise
26 discipline the license of the individual. An individual whose

1 license was granted, continued, reinstated, renewed,
2 disciplined, or supervised subject to such terms, conditions,
3 or restrictions and who fails to comply with such terms,
4 conditions, or restrictions, shall be referred to the Director
5 for a determination as to whether the individual shall have his
6 or her license suspended immediately, pending a hearing by the
7 Department.

8 In instances in which the Director immediately suspends a
9 person's license under this subsection (c), a hearing on that
10 person's license must be convened by the Department within 15
11 days after the suspension and completed without appreciable
12 delay. The Commission or the Department shall have the
13 authority to review the subject individual's record of
14 treatment and counseling regarding the impairment to the extent
15 permitted by applicable State and federal statutes and
16 regulations safeguarding the confidentiality of medical
17 records.

18 An individual licensed under this Act and affected under
19 this subsection (c) shall be afforded an opportunity to
20 demonstrate to the Commission that he or she can resume
21 practice in compliance with acceptable and prevailing
22 standards under the provisions of his or her license.

23 (Source: P.A. 95-617, eff. 9-12-07.)

24 Section 300. The Private Detective, Private Alarm, Private
25 Security, Fingerprint Vendor, and Locksmith Act of 2004 is

1 amended by changing Sections 15-10, 20-10, 25-10, 30-10, 31-10,
2 35-30, and 40-10 as follows:

3 (225 ILCS 447/15-10)

4 (Section scheduled to be repealed January 1, 2024)

5 Sec. 15-10. Qualifications for licensure as a private
6 detective.

7 (a) A person is qualified for licensure as a private
8 detective if he or she meets all of the following requirements:

9 (1) Is at least 21 years of age.

10 (2) (Blank). ~~Has not been convicted of any felony in any~~
11 ~~jurisdiction or at least 10 years have elapsed since the~~
12 ~~time of full discharge from a sentence imposed for a felony~~
13 ~~conviction.~~

14 (3) Is of good moral character. Good character is a
15 continuing requirement of licensure. Conviction of crimes
16 other than felonies may be used in determining moral
17 character, but shall not constitute an absolute bar to
18 licensure, except where the applicant is a registered sex
19 offender.

20 (4) Has not been declared by any court of competent
21 jurisdiction to be incompetent by reason of mental or
22 physical defect or disease, unless a court has subsequently
23 declared him or her to be competent.

24 (5) Is not suffering from dependence on alcohol or from
25 narcotic addiction or dependence.

1 (6) Has a minimum of 3 years experience of the 5 years
2 immediately preceding application working full-time for a
3 licensed private detective agency as a registered private
4 detective agency employee or with 3 years experience of the
5 5 years immediately preceding his or her application
6 employed as a full-time investigator for a licensed
7 attorney, for an in-house investigative unit for a
8 corporation having 100 or more employees, for any of the
9 armed forces of the United States, or in a law enforcement
10 agency of the federal government, a state, or a state
11 political subdivision, which shall include a state's
12 attorney's office or a public defender's office. The Board
13 and the Department shall approve such full-time
14 investigator experience and may accept, in lieu of the
15 experience requirement in this item (6), alternative
16 experience working full-time for a private detective
17 agency licensed in another state or for a private detective
18 agency in a state that does not license such agencies if
19 the experience is substantially equivalent to that gained
20 working for an Illinois licensed private detective agency.
21 An applicant who has a baccalaureate degree, or higher, in
22 law enforcement or a related field or a business degree
23 from an accredited college or university shall be given
24 credit for 2 of the 3 years of the required experience. An
25 applicant who has an associate degree in law enforcement or
26 in a related field or in business from an accredited

1 college or university shall be given credit for one of the
2 3 years of the required experience. An applicant who has
3 completed a non-degree military training program in law
4 enforcement or a related field shall be given credit for
5 one of the 3 years of the required experience if the Board
6 and the Department determine that such training is
7 substantially equivalent to that received in an associate
8 degree program.

9 (7) Has not been dishonorably discharged from the armed
10 forces of the United States or has not been discharged from
11 a law enforcement agency of the United States or of any
12 state or of any political subdivision thereof, which shall
13 include a state's attorney's office, for reasons relating
14 to his or her conduct as an employee of that law
15 enforcement agency.

16 (8) Has passed an examination authorized by the
17 Department.

18 (9) Submits his or her fingerprints, proof of having
19 general liability insurance required under subsection (b),
20 and the required license fee.

21 (10) Has not violated Section 10-5 of this Act.

22 No consideration shall be given to convictions entered
23 prior to the date of the application, where the applicant has
24 completed any sentence imposed for that conviction, including
25 any period of mandatory supervised release.

26 (b) It is the responsibility of the applicant to obtain

1 general liability insurance in an amount and coverage
2 appropriate for the applicant's circumstances as determined by
3 rule. The applicant shall provide evidence of insurance to the
4 Department before being issued a license. Failure to maintain
5 general liability insurance and to provide the Department with
6 written proof of the insurance shall result in cancellation of
7 the license without hearing.

8 (c) Any person who has been providing canine odor detection
9 services for hire prior to January 1, 2005 is exempt from the
10 requirements of item (6) of subsection (a) of this Section and
11 may be granted a private detective license if (i) he or she
12 meets the requirements of items (1) through (5) and items (7)
13 through (10) of subsection (a) of this Section, (ii) pays all
14 applicable fees, and (iii) presents satisfactory evidence to
15 the Department of the provision of canine odor detection
16 services for hire since January 1, 2005.

17 (Source: P.A. 98-253, eff. 8-9-13.)

18 (225 ILCS 447/20-10)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 20-10. Qualifications for licensure as a private alarm
21 contractor.

22 (a) A person is qualified for licensure as a private alarm
23 contractor if he or she meets all of the following
24 requirements:

25 (1) Is at least 21 years of age.

1 (2) (Blank). ~~Has not been convicted of any felony in~~
2 ~~any jurisdiction or at least 10 years have elapsed since~~
3 ~~the time of full discharge from a sentence imposed for a~~
4 ~~felony conviction.~~

5 (3) Is of good moral character. Good moral character is
6 a continuing requirement of licensure. Conviction of
7 crimes other than felonies may be used in determining moral
8 character, but shall not constitute an absolute bar to
9 licensure, except where the applicant is a registered sex
10 offender.

11 (4) Has not been declared by any court of competent
12 jurisdiction to be incompetent by reason of mental or
13 physical defect or disease, unless a court has subsequently
14 declared him or her to be competent.

15 (5) Is not suffering from dependence on alcohol or from
16 narcotic addiction or dependence.

17 (6) Has a minimum of 3 years experience during the 5
18 years immediately preceding the application (i) working as
19 a full-time manager for a licensed private alarm contractor
20 agency or (ii) working for a government, one of the armed
21 forces of the United States, or private entity that
22 inspects, reviews, designs, sells, installs, operates,
23 services, or monitors alarm systems that, in the judgment
24 of the Board, satisfies the standards of alarm industry
25 competence. The Board and the Department may accept, in
26 lieu of the experience requirement in this item (6),

1 alternative experience working as a full-time manager for a
2 private alarm contractor agency licensed in another state
3 or for a private alarm contractor agency in a state that
4 does not license such agencies, if the experience is
5 substantially equivalent to that gained working for an
6 Illinois licensed private alarm contractor agency. An
7 applicant who has received a 4-year degree or higher in
8 electrical engineering or a related field from a program
9 approved by the Board or a business degree from an
10 accredited college or university shall be given credit for
11 2 years of the required experience. An applicant who has
12 successfully completed a national certification program
13 approved by the Board shall be given credit for one year of
14 the required experience.

15 (7) Has not been dishonorably discharged from the armed
16 forces of the United States.

17 (8) Has passed an examination authorized by the
18 Department.

19 (9) Submits his or her fingerprints, proof of having
20 general liability insurance required under subsection (c),
21 and the required license fee.

22 (10) Has not violated Section 10-5 of this Act.

23 No consideration shall be given to convictions entered
24 prior to the date of the application, where the applicant has
25 completed any sentence imposed for that conviction, including
26 any period of mandatory supervised release.

1 (b) (Blank).

2 (c) It is the responsibility of the applicant to obtain
3 general liability insurance in an amount and coverage
4 appropriate for the applicant's circumstances as determined by
5 rule. The applicant shall provide evidence of insurance to the
6 Department before being issued a license. Failure to maintain
7 general liability insurance and to provide the Department with
8 written proof of the insurance shall result in cancellation of
9 the license without hearing.

10 (Source: P.A. 98-253, eff. 8-9-13; 99-174, eff. 7-29-15.)

11 (225 ILCS 447/25-10)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 25-10. Qualifications for licensure as a private
14 security contractor.

15 (a) A person is qualified for licensure as a private
16 security contractor if he or she meets all of the following
17 requirements:

18 (1) Is at least 21 years of age.

19 (2) (Blank). ~~Has not been convicted of any felony in~~
20 ~~any jurisdiction or at least 10 years have elapsed since~~
21 ~~the time of full discharge from a sentence imposed for a~~
22 ~~felony conviction.~~

23 (3) Is of good moral character. Good character is a
24 continuing requirement of licensure. Conviction of crimes
25 other than felonies may be used in determining moral

1 character, but shall not constitute an absolute bar to
2 licensure, except where the applicant is a registered sex
3 offender.

4 (4) Has not been declared by any court of competent
5 jurisdiction to be incompetent by reason of mental or
6 physical defect or disease, unless a court has subsequently
7 declared him or her to be competent.

8 (5) Is not suffering from dependence on alcohol or from
9 narcotic addiction or dependence.

10 (6) Has a minimum of 3 years experience of the 5 years
11 immediately preceding application working as a full-time
12 manager for a licensed private security contractor agency
13 or a manager of a proprietary security force of 30 or more
14 persons registered with the Department or with 3 years
15 experience of the 5 years immediately preceding his or her
16 application employed as a full-time supervisor for an
17 in-house security unit for a corporation having 100 or more
18 employees, for a military police or related security unit
19 in any of the armed forces of the United States, or in a
20 law enforcement agency of the federal government, a state,
21 or a state political subdivision, which shall include a
22 state's attorney's office or public defender's office. The
23 Board and the Department shall approve such full-time
24 supervisory experience and may accept, in lieu of the
25 experience requirement in this subsection, alternative
26 experience working as a full-time manager for a private

1 security contractor agency licensed in another state or for
2 a private security contractor agency in a state that does
3 not license such agencies if the experience is
4 substantially equivalent to that gained working for an
5 Illinois licensed private security contractor agency. An
6 applicant who has a baccalaureate degree or higher in
7 police science or a related field or a business degree from
8 an accredited college or university shall be given credit
9 for 2 of the 3 years of the required experience. An
10 applicant who has completed a non-degree military training
11 program in police science or a related field shall be given
12 credit for one of the 3 years of the required experience if
13 the Board and the Department determine that such training
14 is substantially equivalent to that received in an
15 associate degree program. An applicant who has an associate
16 degree in police science or in a related field or in
17 business from an accredited college or university shall be
18 given credit for one of the 3 years of the required
19 experience.

20 (7) Has not been dishonorably discharged from the armed
21 forces of the United States.

22 (8) Has passed an examination authorized by the
23 Department.

24 (9) Submits his or her fingerprints, proof of having
25 general liability insurance required under subsection (b),
26 and the required license fee.

1 (10) Has not violated Section 10-5 of this Act.

2 (b) It is the responsibility of the applicant to obtain
3 general liability insurance in an amount and coverage
4 appropriate for the applicant's circumstances as determined by
5 rule. The applicant shall provide evidence of insurance to the
6 Department before being issued a license. Failure to maintain
7 general liability insurance and to provide the Department with
8 written proof of the insurance shall result in cancellation of
9 the license without hearing.

10 No consideration shall be given to convictions entered
11 prior to the date of the application, where the applicant has
12 completed any sentence imposed for that conviction, including
13 any period of mandatory supervised release.

14 (c) Any person who has been providing canine odor detection
15 services for hire prior to January 1, 2005 is exempt from the
16 requirements of item (6) of subsection (a) of this Section and
17 may be granted a private security contractor license if (i) he
18 or she meets the requirements of items (1) through (5) and
19 items (7) through (10) of subsections (a) of this Section, (ii)
20 pays all applicable fees, and (iii) presents satisfactory
21 evidence to the Department of the provision of canine odor
22 detection services for hire since January 1, 2005.

23 (Source: P.A. 98-253, eff. 8-9-13.)

24 (225 ILCS 447/30-10)

25 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 30-10. Qualifications for licensure as a locksmith.

2 (a) A person is qualified for licensure as a locksmith if
3 he or she meets all of the following requirements:

4 (1) Is at least 18 years of age.

5 (2) (Blank). ~~Has not been convicted of any felony in~~
6 ~~any jurisdiction or at least 10 years have elapsed since~~
7 ~~the time of full discharge from a sentence imposed for a~~
8 ~~felony conviction.~~

9 (3) Is of good moral character. Good moral character is
10 a continuing requirement of licensure. Conviction of
11 crimes other than felonies may be used in determining moral
12 character, but shall not constitute an absolute bar to
13 licensure, except where the applicant is a registered sex
14 offender.

15 (4) Has not been declared by any court of competent
16 jurisdiction to be incompetent by reason of mental or
17 physical defect or disease, unless a court has subsequently
18 declared him or her to be competent.

19 (5) Is not suffering from dependence on alcohol or from
20 narcotic addiction or dependence.

21 (6) Has not been dishonorably discharged from the armed
22 forces of the United States.

23 (7) Has passed an examination authorized by the
24 Department.

25 (8) Submits his or her fingerprints, proof of having
26 general liability insurance required under subsection (b),

1 and the required license fee.

2 (9) Has not violated Section 10-5 of this Act.

3 No consideration shall be given to convictions entered
4 prior to the date of the application, where the applicant has
5 completed any sentence imposed for that conviction, including
6 any period of mandatory supervised release.

7 (b) It is the responsibility of the applicant to obtain
8 general liability insurance in an amount and coverage
9 appropriate for the applicant's circumstances as determined by
10 rule. The applicant shall provide evidence of insurance to the
11 Department before being issued a license. Failure to maintain
12 general liability insurance and to provide the Department with
13 written proof of the insurance shall result in cancellation of
14 the license without hearing. A locksmith employed by a licensed
15 locksmith agency or employed by a private concern may provide
16 proof that his or her actions as a locksmith are covered by the
17 liability insurance of his or her employer.

18 (Source: P.A. 98-253, eff. 8-9-13.)

19 (225 ILCS 447/31-10)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 31-10. Qualifications for licensure as a fingerprint
22 vendor.

23 (a) A person is qualified for licensure as a fingerprint
24 vendor if he or she meets all of the following requirements:

25 (1) Is at least 18 years of age.

1 (2) (Blank). ~~Has not been convicted of any felony in~~
2 ~~any jurisdiction or at least 10 years have elapsed since~~
3 ~~the time of full discharge from a sentence imposed for a~~
4 ~~felony conviction.~~

5 (3) Is of good moral character. Good moral character is
6 a continuing requirement of licensure. Conviction of
7 crimes other than felonies may be used in determining moral
8 character, but shall not constitute an absolute bar to
9 licensure, except where the applicant is a registered sex
10 offender.

11 (4) Has not been declared by any court of competent
12 jurisdiction to be incompetent by reason of mental or
13 physical defect or disease, unless a court has subsequently
14 declared him or her to be competent.

15 (5) Is not suffering from dependence on alcohol or from
16 narcotic addiction or dependence.

17 (6) Has not been dishonorably discharged from the armed
18 forces of the United States.

19 (7) Submits certification issued by the Department of
20 State Police that the applicant has successfully completed
21 a fingerprint vendor training course conducted or
22 authorized by the Department of State Police.

23 (8) Submits his or her fingerprints, in accordance with
24 subsection (b) of this Section.

25 (9) Has not violated any provision of this Act or any
26 rule adopted under this Act.

1 (10) Provides evidence satisfactory to the Department
2 that the applicant has obtained general liability
3 insurance in an amount and with coverage as determined by
4 rule. Failure to maintain general liability insurance and
5 failure to provide the Department with written proof of the
6 insurance, upon request, shall result in cancellation of
7 the license without hearing. A fingerprint vendor employed
8 by a licensed fingerprint vendor agency may provide proof
9 that his or her actions as a fingerprint vendor are covered
10 by the liability insurance of his or her employer.

11 (11) Pays the required licensure fee.

12 (12) Submits certification issued by the Department of
13 State Police that the applicant's fingerprinting equipment
14 and software meets all specifications required by the
15 Department of State Police. Compliance with Department of
16 State Police fingerprinting equipment and software
17 specifications is a continuing requirement for licensure.

18 (13) Submits proof that the applicant maintains a
19 business office located in the State of Illinois.

20 No consideration shall be given to convictions entered
21 prior to the date of the application, where the applicant has
22 completed any sentence imposed for that conviction, including
23 any period of mandatory supervised release.

24 (b) Each applicant for a fingerprint vendor license shall
25 have his or her fingerprints submitted to the Department of
26 State Police in an electronic format that complies with the

1 form and manner for requesting and furnishing criminal history
2 record information as prescribed by the Department of State
3 Police. These fingerprints shall be checked against the
4 Department of State Police and Federal Bureau of Investigation
5 criminal history record databases now and hereafter filed. The
6 Department of State Police shall charge applicants a fee for
7 conducting the criminal history records check, which shall be
8 deposited in the State Police Services Fund and shall not
9 exceed the actual cost of the records check. The Department of
10 State Police shall furnish, pursuant to positive
11 identification, records of Illinois convictions to the
12 Department. The Department may require applicants to pay a
13 separate fingerprinting fee, either to the Department or
14 directly to the vendor. The Department, in its discretion, may
15 allow an applicant who does not have reasonable access to a
16 designated vendor to provide his or her fingerprints in an
17 alternative manner. The Department, in its discretion, may also
18 use other procedures in performing or obtaining criminal
19 background checks of applicants. Instead of submitting his or
20 her fingerprints, an individual may submit proof that is
21 satisfactory to the Department that an equivalent security
22 clearance has been conducted. Also, an individual who has
23 retired as a peace officer within 12 months of application may
24 submit verification, on forms provided by the Department and
25 signed by his or her employer, of his or her previous full-time
26 employment as a peace officer.

1 (Source: P.A. 95-613, eff. 9-11-07.)

2 (225 ILCS 447/35-30)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 35-30. Employee requirements. All employees of a
5 licensed agency, other than those exempted, shall apply for a
6 permanent employee registration card. The holder of an agency
7 license issued under this Act, known in this Section as
8 "employer", may employ in the conduct of his or her business
9 employees under the following provisions:

10 (a) No person shall be issued a permanent employee
11 registration card who:

12 (1) Is younger than 18 years of age.

13 (2) Is younger than 21 years of age if the services
14 will include being armed.

15 (3) Has been determined by the Department to be unfit
16 by reason of conviction of an offense in this or another
17 state, including registration as a sex offender, but not
18 including a traffic offense. Persons convicted of felonies
19 involving bodily harm, weapons, violence, or theft within
20 the previous 10 years shall be presumed to be unfit for
21 registration. The Department shall adopt rules for making
22 those determinations that shall afford the applicant due
23 process of law.

24 (4) (Blank). ~~Has had a license or permanent employee~~
25 ~~registration card denied, suspended, or revoked under this~~

1 ~~Act (i) within one year before the date the person's~~
2 ~~application for permanent employee registration card is~~
3 ~~received by the Department; and (ii) that refusal, denial,~~
4 ~~suspension, or revocation was based on any provision of~~
5 ~~this Act other than Section 40-50, item (6) or (8) of~~
6 ~~subsection (a) of Section 15-10, subsection (b) of Section~~
7 ~~15-10, item (6) or (8) of subsection (a) of Section 20-10,~~
8 ~~subsection (b) of Section 20-10, item (6) or (8) of~~
9 ~~subsection (a) of Section 25-10, subsection (b) of Section~~
10 ~~25-10, item (7) of subsection (a) of Section 30-10,~~
11 ~~subsection (b) of Section 30-10, or Section 10-40.~~

12 (5) Has been declared incompetent by any court of
13 competent jurisdiction by reason of mental disease or
14 defect and has not been restored.

15 (6) Has been dishonorably discharged from the armed
16 services of the United States.

17 No consideration shall be given to convictions entered
18 prior to the date of the application, where the applicant has
19 completed any sentence imposed for that conviction, including
20 any period of mandatory supervised release.

21 (b) No person may be employed by a private detective
22 agency, private security contractor agency, private alarm
23 contractor agency, fingerprint vendor agency, or locksmith
24 agency under this Section until he or she has executed and
25 furnished to the employer, on forms furnished by the
26 Department, a verified statement to be known as "Employee's

1 Statement" setting forth:

2 (1) The person's full name, age, and residence address.

3 (2) The business or occupation engaged in for the 5
4 years immediately before the date of the execution of the
5 statement, the place where the business or occupation was
6 engaged in, and the names of employers, if any.

7 (3) That the person has not had a license or employee
8 registration denied, revoked, or suspended under this Act
9 (i) within one year before the date the person's
10 application for permanent employee registration card is
11 received by the Department; and (ii) that refusal, denial,
12 suspension, or revocation was based on any provision of
13 this Act other than Section 40-50, item (6) or (8) of
14 subsection (a) of Section 15-10, subsection (b) of Section
15 15-10, item (6) or (8) of subsection (a) of Section 20-10,
16 subsection (b) of Section 20-10, item (6) or (8) of
17 subsection (a) of Section 25-10, subsection (b) of Section
18 25-10, item (7) of subsection (a) of Section 30-10,
19 subsection (b) of Section 30-10, or Section 10-40.

20 (4) Any conviction of a felony or misdemeanor.

21 (5) Any declaration of incompetence by a court of
22 competent jurisdiction that has not been restored.

23 (6) Any dishonorable discharge from the armed services
24 of the United States.

25 (7) Any other information as may be required by any
26 rule of the Department to show the good character,

1 competency, and integrity of the person executing the
2 statement.

3 (c) Each applicant for a permanent employee registration
4 card shall have his or her fingerprints submitted to the
5 Department of State Police in an electronic format that
6 complies with the form and manner for requesting and furnishing
7 criminal history record information as prescribed by the
8 Department of State Police. These fingerprints shall be checked
9 against the Department of State Police and Federal Bureau of
10 Investigation criminal history record databases now and
11 hereafter filed. The Department of State Police shall charge
12 applicants a fee for conducting the criminal history records
13 check, which shall be deposited in the State Police Services
14 Fund and shall not exceed the actual cost of the records check.
15 The Department of State Police shall furnish, pursuant to
16 positive identification, records of Illinois convictions to
17 the Department. The Department may require applicants to pay a
18 separate fingerprinting fee, either to the Department or
19 directly to the vendor. The Department, in its discretion, may
20 allow an applicant who does not have reasonable access to a
21 designated vendor to provide his or her fingerprints in an
22 alternative manner. The Department, in its discretion, may also
23 use other procedures in performing or obtaining criminal
24 background checks of applicants. Instead of submitting his or
25 her fingerprints, an individual may submit proof that is
26 satisfactory to the Department that an equivalent security

1 clearance has been conducted. Also, an individual who has
2 retired as a peace officer within 12 months of application may
3 submit verification, on forms provided by the Department and
4 signed by his or her employer, of his or her previous full-time
5 employment as a peace officer.

6 (d) The Department shall issue a permanent employee
7 registration card, in a form the Department prescribes, to all
8 qualified applicants. The holder of a permanent employee
9 registration card shall carry the card at all times while
10 actually engaged in the performance of the duties of his or her
11 employment. Expiration and requirements for renewal of
12 permanent employee registration cards shall be established by
13 rule of the Department. Possession of a permanent employee
14 registration card does not in any way imply that the holder of
15 the card is employed by an agency unless the permanent employee
16 registration card is accompanied by the employee
17 identification card required by subsection (f) of this Section.

18 (e) Each employer shall maintain a record of each employee
19 that is accessible to the duly authorized representatives of
20 the Department. The record shall contain the following
21 information:

22 (1) A photograph taken within 10 days of the date that
23 the employee begins employment with the employer. The
24 photograph shall be replaced with a current photograph
25 every 3 calendar years.

26 (2) The Employee's Statement specified in subsection

1 (b) of this Section.

2 (3) All correspondence or documents relating to the
3 character and integrity of the employee received by the
4 employer from any official source or law enforcement
5 agency.

6 (4) In the case of former employees, the employee
7 identification card of that person issued under subsection
8 (f) of this Section. Each employee record shall duly note
9 if the employee is employed in an armed capacity. Armed
10 employee files shall contain a copy of an active firearm
11 owner's identification card and a copy of an active firearm
12 control card. Each employer shall maintain a record for
13 each armed employee of each instance in which the
14 employee's weapon was discharged during the course of his
15 or her professional duties or activities. The record shall
16 be maintained on forms provided by the Department, a copy
17 of which must be filed with the Department within 15 days
18 of an instance. The record shall include the date and time
19 of the occurrence, the circumstances involved in the
20 occurrence, and any other information as the Department may
21 require. Failure to provide this information to the
22 Department or failure to maintain the record as a part of
23 each armed employee's permanent file is grounds for
24 disciplinary action. The Department, upon receipt of a
25 report, shall have the authority to make any investigation
26 it considers appropriate into any occurrence in which an

1 employee's weapon was discharged and to take disciplinary
2 action as may be appropriate.

3 (5) A copy of the employee's permanent employee
4 registration card or a copy of the Department's "License
5 Lookup" Webpage showing that the employee has been issued a
6 valid permanent employee registration card by the
7 Department.

8 The Department may, by rule, prescribe further record
9 requirements.

10 (f) Every employer shall furnish an employee
11 identification card to each of his or her employees. This
12 employee identification card shall contain a recent photograph
13 of the employee, the employee's name, the name and agency
14 license number of the employer, the employee's personal
15 description, the signature of the employer, the signature of
16 that employee, the date of issuance, and an employee
17 identification card number.

18 (g) No employer may issue an employee identification card
19 to any person who is not employed by the employer in accordance
20 with this Section or falsely state or represent that a person
21 is or has been in his or her employ. It is unlawful for an
22 applicant for registered employment to file with the Department
23 the fingerprints of a person other than himself or herself.

24 (h) Every employer shall obtain the identification card of
25 every employee who terminates employment with him or her.

26 (i) Every employer shall maintain a separate roster of the

1 names of all employees currently working in an armed capacity
2 and submit the roster to the Department on request.

3 (j) No agency may employ any person to perform a licensed
4 activity under this Act unless the person possesses a valid
5 permanent employee registration card or a valid license under
6 this Act, or is exempt pursuant to subsection (n).

7 (k) Notwithstanding the provisions of subsection (j), an
8 agency may employ a person in a temporary capacity if all of
9 the following conditions are met:

10 (1) The agency completes in its entirety and submits to
11 the Department an application for a permanent employee
12 registration card, including the required fingerprint
13 receipt and fees.

14 (2) The agency has verification from the Department
15 that the applicant has no record of any criminal conviction
16 pursuant to the criminal history check conducted by the
17 Department of State Police. The agency shall maintain the
18 verification of the results of the Department of State
19 Police criminal history check as part of the employee
20 record as required under subsection (e) of this Section.

21 (3) The agency exercises due diligence to ensure that
22 the person is qualified under the requirements of the Act
23 to be issued a permanent employee registration card.

24 (4) The agency maintains a separate roster of the names
25 of all employees whose applications are currently pending
26 with the Department and submits the roster to the

1 Department on a monthly basis. Rosters are to be maintained
2 by the agency for a period of at least 24 months.

3 An agency may employ only a permanent employee applicant
4 for which it either submitted a permanent employee application
5 and all required forms and fees or it confirms with the
6 Department that a permanent employee application and all
7 required forms and fees have been submitted by another agency,
8 licensee or the permanent employee and all other requirements
9 of this Section are met.

10 The Department shall have the authority to revoke, without
11 a hearing, the temporary authority of an individual to work
12 upon receipt of Federal Bureau of Investigation fingerprint
13 data or a report of another official authority indicating a
14 criminal conviction. If the Department has not received a
15 temporary employee's Federal Bureau of Investigation
16 fingerprint data within 120 days of the date the Department
17 received the Department of State Police fingerprint data, the
18 Department may, at its discretion, revoke the employee's
19 temporary authority to work with 15 days written notice to the
20 individual and the employing agency.

21 An agency may not employ a person in a temporary capacity
22 if it knows or reasonably should have known that the person has
23 been convicted of a crime under the laws of this State, has
24 been convicted in another state of any crime that is a crime
25 under the laws of this State, has been convicted of any crime
26 in a federal court, or has been posted as an unapproved

1 applicant by the Department. Notice by the Department to the
2 agency, via certified mail, personal delivery, electronic
3 mail, or posting on the Department's Internet site accessible
4 to the agency that the person has been convicted of a crime
5 shall be deemed constructive knowledge of the conviction on the
6 part of the agency. The Department may adopt rules to implement
7 this subsection (k).

8 (l) No person may be employed under this Section in any
9 capacity if:

10 (1) the person, while so employed, is being paid by the
11 United States or any political subdivision for the time so
12 employed in addition to any payments he or she may receive
13 from the employer; or

14 (2) the person wears any portion of his or her official
15 uniform, emblem of authority, or equipment while so
16 employed.

17 (m) If information is discovered affecting the
18 registration of a person whose fingerprints were submitted
19 under this Section, the Department shall so notify the agency
20 that submitted the fingerprints on behalf of that person.

21 (n) Peace officers shall be exempt from the requirements of
22 this Section relating to permanent employee registration
23 cards. The agency shall remain responsible for any peace
24 officer employed under this exemption, regardless of whether
25 the peace officer is compensated as an employee or as an
26 independent contractor and as further defined by rule.

1 (o) Persons who have no access to confidential or security
2 information, who do not go to a client's or prospective
3 client's residence or place of business, and who otherwise do
4 not provide traditional security services are exempt from
5 employee registration. Examples of exempt employees include,
6 but are not limited to, employees working in the capacity of
7 ushers, directors, ticket takers, cashiers, drivers, and
8 reception personnel. Confidential or security information is
9 that which pertains to employee files, scheduling, client
10 contracts, or technical security and alarm data.

11 (p) An applicant who is 21 years of age or older seeking a
12 religious exemption to the photograph requirement of this
13 Section shall furnish with the application an approved copy of
14 United States Department of the Treasury Internal Revenue
15 Service Form 4029. Regardless of age, an applicant seeking a
16 religious exemption to this photograph requirement shall
17 submit fingerprints in a form and manner prescribed by the
18 Department with his or her application in lieu of a photograph.
19 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

20 (225 ILCS 447/40-10)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 40-10. Disciplinary sanctions.

23 (a) The Department may deny issuance, refuse to renew, or
24 restore or may reprimand, place on probation, suspend, revoke,
25 or take other disciplinary or non-disciplinary action against

1 any license, registration, permanent employee registration
2 card, canine handler authorization card, canine trainer
3 authorization card, or firearm control card, may impose a fine
4 not to exceed \$10,000 for each violation, and may assess costs
5 as provided for under Section 45-60, for any of the following:

6 (1) Fraud, deception, or misrepresentation in
7 obtaining or renewing of a license or registration.

8 (2) Professional incompetence as manifested by poor
9 standards of service.

10 (3) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public.

13 (4) Conviction of or plea of guilty or plea of nolo
14 contendere to a felony or misdemeanor in this State or any
15 other jurisdiction or the entry of an administrative
16 sanction by a government agency in this State or any other
17 jurisdiction; action taken under this paragraph (4) for a
18 misdemeanor or an administrative sanction is limited to a
19 misdemeanor or administrative sanction that has as an
20 essential element of dishonesty or fraud or involves
21 larceny, embezzlement, or obtaining money, property, or
22 credit by false pretenses or by means of a confidence game.

23 (5) Performing any services in a grossly negligent
24 manner or permitting any of a licensee's employees to
25 perform services in a grossly negligent manner, regardless
26 of whether actual damage to the public is established.

1 (6) Continued practice, although the person has become
2 unfit to practice due to any of the following:

3 (A) Physical illness, mental illness, or other
4 impairment, including, but not limited to,
5 deterioration through the aging process or loss of
6 motor skills that results in the inability to serve the
7 public with reasonable judgment, skill, or safety.

8 (B) (Blank).

9 (C) Habitual or excessive use or abuse of drugs
10 defined in law as controlled substances, alcohol, or
11 any other substance that results in the inability to
12 practice with reasonable judgment, skill, or safety.

13 (7) Receiving, directly or indirectly, compensation
14 for any services not rendered.

15 (8) Willfully deceiving or defrauding the public on a
16 material matter.

17 (9) Failing to account for or remit any moneys or
18 documents coming into the licensee's possession that
19 belong to another person or entity.

20 (10) Discipline by another United States jurisdiction,
21 foreign nation, or governmental agency, if at least one of
22 the grounds for the discipline is the same or substantially
23 equivalent to those set forth in this Act.

24 (11) Giving differential treatment to a person that is
25 to that person's detriment because of race, color, creed,
26 sex, religion, or national origin.

1 (12) Engaging in false or misleading advertising.

2 (13) Aiding, assisting, or willingly permitting
3 another person to violate this Act or rules promulgated
4 under it.

5 (14) Performing and charging for services without
6 authorization to do so from the person or entity serviced.

7 (15) Directly or indirectly offering or accepting any
8 benefit to or from any employee, agent, or fiduciary
9 without the consent of the latter's employer or principal
10 with intent to or the understanding that this action will
11 influence his or her conduct in relation to his or her
12 employer's or principal's affairs.

13 (16) Violation of any disciplinary order imposed on a
14 licensee by the Department.

15 (17) Performing any act or practice that is a violation
16 of this Act or the rules for the administration of this
17 Act, or having a conviction or administrative finding of
18 guilty as a result of violating any federal or State laws,
19 rules, or regulations that apply exclusively to the
20 practices of private detectives, private alarm
21 contractors, private security contractors, fingerprint
22 vendors, or locksmiths.

23 (18) Conducting an agency without a valid license.

24 (19) Revealing confidential information, except as
25 required by law, including but not limited to information
26 available under Section 2-123 of the Illinois Vehicle Code.

1 (20) Failing to make available to the Department, upon
2 request, any books, records, or forms required by this Act.

3 (21) Failing, within 30 days, to respond to a written
4 request for information from the Department.

5 (22) Failing to provide employment information or
6 experience information required by the Department
7 regarding an applicant for licensure.

8 (23) Failing to make available to the Department at the
9 time of the request any indicia of licensure or
10 registration issued under this Act.

11 (24) Purporting to be a licensee-in-charge of an agency
12 without active participation in the agency.

13 (25) A finding by the Department that the licensee,
14 after having his or her license placed on probationary
15 status, has violated the terms of probation.

16 (26) Violating subsection (f) of Section 30-30.

17 (27) A firearm control card holder having more firearms
18 in his or her immediate possession than he or she can
19 reasonably exercise control over.

20 (28) Failure to report in writing to the Department,
21 within 60 days of an entry of a settlement or a verdict in
22 excess of \$10,000, any legal action in which the quality of
23 the licensee's or registrant's professional services was
24 the subject of the legal action.

25 No consideration shall be given to convictions entered
26 prior to the date of the application, where the applicant has

1 completed any sentence imposed for that conviction, including
2 any period of mandatory supervised release.

3 (b) All fines imposed under this Section shall be paid
4 within 60 days after the effective date of the order imposing
5 the fine.

6 (c) The Department shall adopt rules that set forth
7 standards of service for the following: (i) acceptable error
8 rate in the transmission of fingerprint images and other data
9 to the Department of State Police; (ii) acceptable error rate
10 in the collection and documentation of information used to
11 generate fingerprint work orders; and (iii) any other standard
12 of service that affects fingerprinting services as determined
13 by the Department.

14 The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission, as
16 provided in the Mental Health and Developmental Disabilities
17 Code, operates as an automatic suspension. The suspension will
18 end only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission
20 and the issuance of an order so finding and discharging the
21 patient.

22 (Source: P.A. 98-253, eff. 8-9-13; 99-174, eff. 7-29-15.)

23 Section 305. The Illinois Public Accounting Act is amended
24 by changing Section 20.01 as follows:

1 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 20.01. Grounds for discipline; license or
4 registration.

5 (a) The Department may refuse to issue or renew, or may
6 revoke, suspend, or reprimand any registration or registrant,
7 any license or licensee, place a licensee or registrant on
8 probation for a period of time subject to any conditions the
9 Department may specify including requiring the licensee or
10 registrant to attend continuing education courses or to work
11 under the supervision of another licensee or registrant, impose
12 a fine not to exceed \$10,000 for each violation, restrict the
13 authorized scope of practice, require a licensee or registrant
14 to undergo a peer review program, assess costs as provided for
15 under Section 20.4, or take other disciplinary or
16 non-disciplinary action for any one or more of the following:

17 (1) Violation of any provision of this Act or rule
18 adopted by the Department under this Act or violation of
19 professional standards.

20 (2) Dishonesty, fraud, or deceit in obtaining,
21 reinstating, or restoring a license or registration.

22 (3) Cancellation, revocation, suspension, denial of
23 licensure or registration, or refusal to renew a license or
24 privileges under Section 5.2 for disciplinary reasons in
25 any other U.S. jurisdiction, unit of government, or
26 government agency for any cause.

1 (4) Failure, on the part of a licensee under Section 13
2 or registrant under Section 16, to maintain compliance with
3 the requirements for issuance or renewal of a license or
4 registration or to report changes to the Department.

5 (5) Revocation or suspension of the right to practice
6 by or before any state or federal regulatory authority or
7 by the Public Company Accounting Oversight Board.

8 (6) Dishonesty, fraud, deceit, or gross negligence in
9 the performance of services as a licensee or registrant or
10 individual granted privileges under Section 5.2.

11 (7) Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or
13 sentencing, including, but not limited to, convictions,
14 preceding sentences of supervision, conditional discharge,
15 or first offender probation, under the laws of any
16 jurisdiction of the United States that is (i) a felony or
17 (ii) a misdemeanor, an essential element of which is
18 dishonesty, or that is directly related to the practice of
19 public accounting.

20 (8) Performance of any fraudulent act while holding a
21 license or privilege issued under this Act or prior law.

22 (9) Practicing on a revoked, suspended, or inactive
23 license or registration.

24 (10) Making or filing a report or record that the
25 registrant or licensee knows to be false, willfully failing
26 to file a report or record required by State or federal

1 law, willfully impeding or obstructing the filing or
2 inducing another person to impede or obstruct only those
3 that are signed in the capacity of a licensed CPA or a
4 registered CPA.

5 (11) Aiding or assisting another person in violating
6 any provision of this Act or rules promulgated hereunder.

7 (12) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public.

10 (13) Habitual or excessive use or abuse of drugs,
11 alcohol, narcotics, stimulants, or any other substance
12 that results in the inability to practice with reasonable
13 skill, judgment, or safety.

14 (14) Directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership, or association
16 any fee, commission, rebate, or other form of compensation
17 for any professional service not actually rendered.

18 (15) Physical illness, including, but not limited to,
19 deterioration through the aging process or loss of motor
20 skill that results in the licensee or registrant's
21 inability to practice under this Act with reasonable
22 judgment, skill, or safety.

23 (16) Solicitation of professional services by using
24 false or misleading advertising.

25 (17) Any conduct reflecting adversely upon the
26 licensee's fitness to perform services while a licensee or

1 individual granted privileges under Section 5.2.

2 (18) Practicing or attempting to practice under a name
3 other than the full name as shown on the license or
4 registration or any other legally authorized name.

5 (19) A finding by the Department that a licensee or
6 registrant has not complied with a provision of any lawful
7 order issued by the Department.

8 (20) Making a false statement to the Department
9 regarding compliance with continuing professional
10 education or peer review requirements.

11 (21) Failing to make a substantive response to a
12 request for information by the Department within 30 days of
13 the request.

14 No consideration shall be given to convictions entered
15 prior to the date of the application, where the applicant has
16 completed any sentence imposed for that conviction, including
17 any period of mandatory supervised release.

18 (b) (Blank).

19 (b-5) All fines or costs imposed under this Section shall
20 be paid within 60 days after the effective date of the order
21 imposing the fine or costs or in accordance with the terms set
22 forth in the order imposing the fine or cost.

23 (c) In cases where the Department of Healthcare and Family
24 Services has previously determined a licensee or a potential
25 licensee is more than 30 days delinquent in the payment of
26 child support and has subsequently certified the delinquency to

1 the Department, the Department may refuse to issue or renew or
2 may revoke or suspend that person's license or may take other
3 disciplinary or non-disciplinary action against that person
4 based solely upon the certification of delinquency made by the
5 Department of Healthcare and Family Services in accordance with
6 item (5) of subsection (a) of Section 2105-15 of the Department
7 of Professional Regulation Law of the Civil Administrative Code
8 of Illinois.

9 (d) The Department may refuse to issue or may suspend
10 without hearing, as provided for in the Code of Civil
11 Procedure, the license or registration of any person who fails
12 to file a return, to pay a tax, penalty, or interest shown in a
13 filed return, or to pay any final assessment of tax, penalty,
14 or interest, as required by any tax Act administered by the
15 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied in accordance
17 with subsection (g) of Section 2105-15 of the Department of
18 Professional Regulation Law of the Civil Administrative Code of
19 Illinois.

20 (e) The Department shall deny any application for a
21 license, registration, or renewal, without hearing, to any
22 person who has defaulted on an educational loan guaranteed by
23 the Illinois Student Assistance Commission; however, the
24 Department may issue a license, registration, or renewal if the
25 person in default has established a satisfactory repayment
26 record as determined by the Illinois Student Assistance

1 Commission.

2 (f) The determination by a court that a licensee or
3 registrant is subject to involuntary admission or judicial
4 admission as provided in the Mental Health and Developmental
5 Disabilities Code will result in the automatic suspension of
6 his or her license or registration. The licensee or registrant
7 shall be responsible for notifying the Department of the
8 determination by the court that the licensee or registrant is
9 subject to involuntary admission or judicial admission as
10 provided in the Mental Health and Developmental Disabilities
11 Code. The suspension shall end only upon a finding by a court
12 that the patient is no longer subject to involuntary admission
13 or judicial admission, the issuance of an order so finding and
14 discharging the patient, and the filing of a petition for
15 restoration demonstrating fitness to practice.

16 (g) In enforcing this Section, the Department, upon a
17 showing of a possible violation, may compel, any licensee or
18 registrant or any individual who has applied for licensure
19 under this Act, to submit to a mental or physical examination
20 and evaluation, or both, which may include a substance abuse or
21 sexual offender evaluation, at the expense of the Department.
22 The Department shall specifically designate the examining
23 physician licensed to practice medicine in all of its branches
24 or, if applicable, the multidisciplinary team involved in
25 providing the mental or physical examination and evaluation, or
26 both. The multidisciplinary team shall be led by a physician

1 licensed to practice medicine in all of its branches and may
2 consist of one or more or a combination of physicians licensed
3 to practice medicine in all of its branches, licensed
4 chiropractic physicians, licensed clinical psychologists,
5 licensed clinical social workers, licensed clinical
6 professional counselors, and other professional and
7 administrative staff. Any examining physician or member of the
8 multidisciplinary team may require any person ordered to submit
9 to an examination and evaluation under this Section to submit
10 to any additional supplemental testing deemed necessary to
11 complete any examination or evaluation process, including, but
12 not limited to, blood testing, urinalysis, psychological
13 testing, or neuropsychological testing. The Department may
14 order the examining physician or any member of the
15 multidisciplinary team to provide to the Department any and all
16 records, including business records, that relate to the
17 examination and evaluation, including any supplemental testing
18 performed. The Department may order the examining physician or
19 any member of the multidisciplinary team to present testimony
20 concerning this examination and evaluation of the licensee,
21 registrant, or applicant, including testimony concerning any
22 supplemental testing or documents relating to the examination
23 and evaluation. No information, report, record, or other
24 documents in any way related to the examination and evaluation
25 shall be excluded by reason of any common law or statutory
26 privilege relating to communication between the licensee,

1 registrant, or applicant and the examining physician or any
2 member of the multidisciplinary team. No authorization is
3 necessary from the individual ordered to undergo an evaluation
4 and examination for the examining physician or any member of
5 the multidisciplinary team to provide information, reports,
6 records, or other documents or to provide any testimony
7 regarding the examination and evaluation.

8 The individual to be examined may have, at his or her own
9 expense, another physician of his or her choice present during
10 all aspects of the examination. Failure of any individual to
11 submit to mental or physical examination and evaluation, or
12 both, when directed, shall result in an automatic suspension,
13 without hearing, until such time as the individual submits to
14 the examination. If the Department finds a licensee,
15 registrant, or applicant unable to practice because of the
16 reasons set forth in this Section, the Department shall require
17 such licensee, registrant, or applicant to submit to care,
18 counseling, or treatment by physicians approved or designated
19 by the Department, as a condition for continued, reinstated, or
20 renewed licensure to practice.

21 When the Secretary immediately suspends a license or
22 registration under this Section, a hearing upon such person's
23 license or registration must be convened by the Department
24 within 15 days after such suspension and completed without
25 appreciable delay. The Department shall have the authority to
26 review the subject's record of treatment and counseling

1 regarding the impairment, to the extent permitted by applicable
2 federal statutes and regulations safeguarding the
3 confidentiality of medical records.

4 Individuals licensed or registered under this Act,
5 affected under this Section, shall be afforded an opportunity
6 to demonstrate to the Department that they can resume practice
7 in compliance with acceptable and prevailing standards under
8 the provisions of their license or registration.

9 (Source: P.A. 98-254, eff. 8-9-13.)

10 Section 310. The Real Estate License Act of 2000 is amended
11 by changing Section 20-20 as follows:

12 (225 ILCS 454/20-20)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 20-20. Grounds for discipline.

15 (a) The Department may refuse to issue or renew a license,
16 may place on probation, suspend, or revoke any license,
17 reprimand, or take any other disciplinary or non-disciplinary
18 action as the Department may deem proper and impose a fine not
19 to exceed \$25,000 upon any licensee or applicant under this Act
20 or any person who holds himself or herself out as an applicant
21 or licensee or against a licensee in handling his or her own
22 property, whether held by deed, option, or otherwise, for any
23 one or any combination of the following causes:

24 (1) Fraud or misrepresentation in applying for, or

1 procuring, a license under this Act or in connection with
2 applying for renewal of a license under this Act.

3 (2) The conviction of or plea of guilty or plea of nolo
4 contendere to a felony or misdemeanor in this State or any
5 other jurisdiction; or the entry of an administrative
6 sanction by a government agency in this State or any other
7 jurisdiction. Action taken under this paragraph (2) for a
8 misdemeanor or an administrative sanction is limited to a
9 misdemeanor or administrative sanction that has as an
10 essential element dishonesty or fraud or involves larceny,
11 embezzlement, or obtaining money, property, or credit by
12 false pretenses or by means of a confidence game.

13 (3) Inability to practice the profession with
14 reasonable judgment, skill, or safety as a result of a
15 physical illness, including, but not limited to,
16 deterioration through the aging process or loss of motor
17 skill, or a mental illness or disability.

18 (4) Practice under this Act as a licensee in a retail
19 sales establishment from an office, desk, or space that is
20 not separated from the main retail business by a separate
21 and distinct area within the establishment.

22 (5) Having been disciplined by another state, the
23 District of Columbia, a territory, a foreign nation, or a
24 governmental agency authorized to impose discipline if at
25 least one of the grounds for that discipline is the same as
26 or the equivalent of one of the grounds for which a

1 licensee may be disciplined under this Act. A certified
2 copy of the record of the action by the other state or
3 jurisdiction shall be prima facie evidence thereof.

4 (6) Engaging in the practice of real estate brokerage
5 without a license or after the licensee's license was
6 expired or while the license was inoperative.

7 (7) Cheating on or attempting to subvert the Real
8 Estate License Exam or continuing education exam.

9 (8) Aiding or abetting an applicant to subvert or cheat
10 on the Real Estate License Exam or continuing education
11 exam administered pursuant to this Act.

12 (9) Advertising that is inaccurate, misleading, or
13 contrary to the provisions of the Act.

14 (10) Making any substantial misrepresentation or
15 untruthful advertising.

16 (11) Making any false promises of a character likely to
17 influence, persuade, or induce.

18 (12) Pursuing a continued and flagrant course of
19 misrepresentation or the making of false promises through
20 licensees, employees, agents, advertising, or otherwise.

21 (13) Any misleading or untruthful advertising, or
22 using any trade name or insignia of membership in any real
23 estate organization of which the licensee is not a member.

24 (14) Acting for more than one party in a transaction
25 without providing written notice to all parties for whom
26 the licensee acts.

1 (15) Representing or attempting to represent a broker
2 other than the sponsoring broker.

3 (16) Failure to account for or to remit any moneys or
4 documents coming into his or her possession that belong to
5 others.

6 (17) Failure to maintain and deposit in a special
7 account, separate and apart from personal and other
8 business accounts, all escrow moneys belonging to others
9 entrusted to a licensee while acting as a broker, escrow
10 agent, or temporary custodian of the funds of others or
11 failure to maintain all escrow moneys on deposit in the
12 account until the transactions are consummated or
13 terminated, except to the extent that the moneys, or any
14 part thereof, shall be:

15 (A) disbursed prior to the consummation or
16 termination (i) in accordance with the written
17 direction of the principals to the transaction or their
18 duly authorized agents, (ii) in accordance with
19 directions providing for the release, payment, or
20 distribution of escrow moneys contained in any written
21 contract signed by the principals to the transaction or
22 their duly authorized agents, or (iii) pursuant to an
23 order of a court of competent jurisdiction; or

24 (B) deemed abandoned and transferred to the Office
25 of the State Treasurer to be handled as unclaimed
26 property pursuant to the Uniform Disposition of

1 Unclaimed Property Act. Escrow moneys may be deemed
2 abandoned under this subparagraph (B) only: (i) in the
3 absence of disbursement under subparagraph (A); (ii)
4 in the absence of notice of the filing of any claim in
5 a court of competent jurisdiction; and (iii) if 6
6 months have elapsed after the receipt of a written
7 demand for the escrow moneys from one of the principals
8 to the transaction or the principal's duly authorized
9 agent.

10 The account shall be noninterest bearing, unless the
11 character of the deposit is such that payment of interest
12 thereon is otherwise required by law or unless the
13 principals to the transaction specifically require, in
14 writing, that the deposit be placed in an interest bearing
15 account.

16 (18) Failure to make available to the Department all
17 escrow records and related documents maintained in
18 connection with the practice of real estate within 24 hours
19 of a request for those documents by Department personnel.

20 (19) Failing to furnish copies upon request of
21 documents relating to a real estate transaction to a party
22 who has executed that document.

23 (20) Failure of a sponsoring broker to timely provide
24 information, sponsor cards, or termination of licenses to
25 the Department.

26 (21) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public.

3 (22) Commingling the money or property of others with
4 his or her own money or property.

5 (23) Employing any person on a purely temporary or
6 single deal basis as a means of evading the law regarding
7 payment of commission to nonlicensees on some contemplated
8 transactions.

9 (24) Permitting the use of his or her license as a
10 broker to enable a leasing agent or unlicensed person to
11 operate a real estate business without actual
12 participation therein and control thereof by the broker.

13 (25) Any other conduct, whether of the same or a
14 different character from that specified in this Section,
15 that constitutes dishonest dealing.

16 (26) Displaying a "for rent" or "for sale" sign on any
17 property without the written consent of an owner or his or
18 her duly authorized agent or advertising by any means that
19 any property is for sale or for rent without the written
20 consent of the owner or his or her authorized agent.

21 (27) Failing to provide information requested by the
22 Department, or otherwise respond to that request, within 30
23 days of the request.

24 (28) Advertising by means of a blind advertisement,
25 except as otherwise permitted in Section 10-30 of this Act.

26 (29) Offering guaranteed sales plans, as defined in

1 clause (A) of this subdivision (29), except to the extent
2 hereinafter set forth:

3 (A) A "guaranteed sales plan" is any real estate
4 purchase or sales plan whereby a licensee enters into a
5 conditional or unconditional written contract with a
6 seller, prior to entering into a brokerage agreement
7 with the seller, by the terms of which a licensee
8 agrees to purchase a property of the seller within a
9 specified period of time at a specific price in the
10 event the property is not sold in accordance with the
11 terms of a brokerage agreement to be entered into
12 between the sponsoring broker and the seller.

13 (B) A licensee offering a guaranteed sales plan
14 shall provide the details and conditions of the plan in
15 writing to the party to whom the plan is offered.

16 (C) A licensee offering a guaranteed sales plan
17 shall provide to the party to whom the plan is offered
18 evidence of sufficient financial resources to satisfy
19 the commitment to purchase undertaken by the broker in
20 the plan.

21 (D) Any licensee offering a guaranteed sales plan
22 shall undertake to market the property of the seller
23 subject to the plan in the same manner in which the
24 broker would market any other property, unless the
25 agreement with the seller provides otherwise.

26 (E) The licensee cannot purchase seller's property

1 until the brokerage agreement has ended according to
2 its terms or is otherwise terminated.

3 (F) Any licensee who fails to perform on a
4 guaranteed sales plan in strict accordance with its
5 terms shall be subject to all the penalties provided in
6 this Act for violations thereof and, in addition, shall
7 be subject to a civil fine payable to the party injured
8 by the default in an amount of up to \$25,000.

9 (30) Influencing or attempting to influence, by any
10 words or acts, a prospective seller, purchaser, occupant,
11 landlord, or tenant of real estate, in connection with
12 viewing, buying, or leasing real estate, so as to promote
13 or tend to promote the continuance or maintenance of
14 racially and religiously segregated housing or so as to
15 retard, obstruct, or discourage racially integrated
16 housing on or in any street, block, neighborhood, or
17 community.

18 (31) Engaging in any act that constitutes a violation
19 of any provision of Article 3 of the Illinois Human Rights
20 Act, whether or not a complaint has been filed with or
21 adjudicated by the Human Rights Commission.

22 (32) Inducing any party to a contract of sale or lease
23 or brokerage agreement to break the contract of sale or
24 lease or brokerage agreement for the purpose of
25 substituting, in lieu thereof, a new contract for sale or
26 lease or brokerage agreement with a third party.

1 (33) Negotiating a sale, exchange, or lease of real
2 estate directly with any person if the licensee knows that
3 the person has an exclusive brokerage agreement with
4 another broker, unless specifically authorized by that
5 broker.

6 (34) When a licensee is also an attorney, acting as the
7 attorney for either the buyer or the seller in the same
8 transaction in which the licensee is acting or has acted as
9 a managing broker or broker.

10 (35) Advertising or offering merchandise or services
11 as free if any conditions or obligations necessary for
12 receiving the merchandise or services are not disclosed in
13 the same advertisement or offer. These conditions or
14 obligations include without limitation the requirement
15 that the recipient attend a promotional activity or visit a
16 real estate site. As used in this subdivision (35), "free"
17 includes terms such as "award", "prize", "no charge", "free
18 of charge", "without charge", and similar words or phrases
19 that reasonably lead a person to believe that he or she may
20 receive or has been selected to receive something of value,
21 without any conditions or obligations on the part of the
22 recipient.

23 (36) Disregarding or violating any provision of the
24 Land Sales Registration Act of 1989, the Illinois Real
25 Estate Time-Share Act, or the published rules promulgated
26 by the Department to enforce those Acts.

1 (37) Violating the terms of a disciplinary order issued
2 by the Department.

3 (38) Paying or failing to disclose compensation in
4 violation of Article 10 of this Act.

5 (39) Requiring a party to a transaction who is not a
6 client of the licensee to allow the licensee to retain a
7 portion of the escrow moneys for payment of the licensee's
8 commission or expenses as a condition for release of the
9 escrow moneys to that party.

10 (40) Disregarding or violating any provision of this
11 Act or the published rules promulgated by the Department to
12 enforce this Act or aiding or abetting any individual,
13 partnership, registered limited liability partnership,
14 limited liability company, or corporation in disregarding
15 any provision of this Act or the published rules
16 promulgated by the Department to enforce this Act.

17 (41) Failing to provide the minimum services required
18 by Section 15-75 of this Act when acting under an exclusive
19 brokerage agreement.

20 (42) Habitual or excessive use or addiction to alcohol,
21 narcotics, stimulants, or any other chemical agent or drug
22 that results in a managing broker, broker, or leasing
23 agent's inability to practice with reasonable skill or
24 safety.

25 (43) Enabling, aiding, or abetting an auctioneer, as
26 defined in the Auction License Act, to conduct a real

1 estate auction in a manner that is in violation of this
2 Act.

3 No consideration shall be given to convictions entered
4 prior to the date of the application, where the applicant has
5 completed any sentence imposed for that conviction, including
6 any period of mandatory supervised release.

7 (b) The Department may refuse to issue or renew or may
8 suspend the license of any person who fails to file a return,
9 pay the tax, penalty or interest shown in a filed return, or
10 pay any final assessment of tax, penalty, or interest, as
11 required by any tax Act administered by the Department of
12 Revenue, until such time as the requirements of that tax Act
13 are satisfied in accordance with subsection (g) of Section
14 2105-15 of the Civil Administrative Code of Illinois.

15 (c) The Department shall deny a license or renewal
16 authorized by this Act to a person who has defaulted on an
17 educational loan or scholarship provided or guaranteed by the
18 Illinois Student Assistance Commission or any governmental
19 agency of this State in accordance with item (5) of subsection
20 (a) of Section 2105-15 of the Civil Administrative Code of
21 Illinois.

22 (d) In cases where the Department of Healthcare and Family
23 Services (formerly Department of Public Aid) has previously
24 determined that a licensee or a potential licensee is more than
25 30 days delinquent in the payment of child support and has
26 subsequently certified the delinquency to the Department may

1 refuse to issue or renew or may revoke or suspend that person's
2 license or may take other disciplinary action against that
3 person based solely upon the certification of delinquency made
4 by the Department of Healthcare and Family Services in
5 accordance with item (5) of subsection (a) of Section 2105-15
6 of the Civil Administrative Code of Illinois.

7 (e) In enforcing this Section, the Department or Board upon
8 a showing of a possible violation may compel an individual
9 licensed to practice under this Act, or who has applied for
10 licensure under this Act, to submit to a mental or physical
11 examination, or both, as required by and at the expense of the
12 Department. The Department or Board may order the examining
13 physician to present testimony concerning the mental or
14 physical examination of the licensee or applicant. No
15 information shall be excluded by reason of any common law or
16 statutory privilege relating to communications between the
17 licensee or applicant and the examining physician. The
18 examining physicians shall be specifically designated by the
19 Board or Department. The individual to be examined may have, at
20 his or her own expense, another physician of his or her choice
21 present during all aspects of this examination. Failure of an
22 individual to submit to a mental or physical examination, when
23 directed, shall be grounds for suspension of his or her license
24 until the individual submits to the examination if the
25 Department finds, after notice and hearing, that the refusal to
26 submit to the examination was without reasonable cause.

1 If the Department or Board finds an individual unable to
2 practice because of the reasons set forth in this Section, the
3 Department or Board may require that individual to submit to
4 care, counseling, or treatment by physicians approved or
5 designated by the Department or Board, as a condition, term, or
6 restriction for continued, reinstated, or renewed licensure to
7 practice; or, in lieu of care, counseling, or treatment, the
8 Department may file, or the Board may recommend to the
9 Department to file, a complaint to immediately suspend, revoke,
10 or otherwise discipline the license of the individual. An
11 individual whose license was granted, continued, reinstated,
12 renewed, disciplined or supervised subject to such terms,
13 conditions, or restrictions, and who fails to comply with such
14 terms, conditions, or restrictions, shall be referred to the
15 Secretary for a determination as to whether the individual
16 shall have his or her license suspended immediately, pending a
17 hearing by the Department.

18 In instances in which the Secretary immediately suspends a
19 person's license under this Section, a hearing on that person's
20 license must be convened by the Department within 30 days after
21 the suspension and completed without appreciable delay. The
22 Department and Board shall have the authority to review the
23 subject individual's record of treatment and counseling
24 regarding the impairment to the extent permitted by applicable
25 federal statutes and regulations safeguarding the
26 confidentiality of medical records.

1 An individual licensed under this Act and affected under
2 this Section shall be afforded an opportunity to demonstrate to
3 the Department or Board that he or she can resume practice in
4 compliance with acceptable and prevailing standards under the
5 provisions of his or her license.

6 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;
7 99-227, eff. 8-3-15.)

8 Section 315. The Real Estate Appraiser Licensing Act of
9 2002 is amended by changing Section 15-10 as follows:

10 (225 ILCS 458/15-10)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 15-10. Grounds for disciplinary action.

13 (a) The Department may suspend, revoke, refuse to issue,
14 renew, or restore a license and may reprimand place on
15 probation or administrative supervision, or take any
16 disciplinary or non-disciplinary action, including imposing
17 conditions limiting the scope, nature, or extent of the real
18 estate appraisal practice of a licensee or reducing the
19 appraisal rank of a licensee, and may impose an administrative
20 fine not to exceed \$25,000 for each violation upon a licensee
21 for any one or combination of the following:

22 (1) Procuring or attempting to procure a license by
23 knowingly making a false statement, submitting false
24 information, engaging in any form of fraud or

1 misrepresentation, or refusing to provide complete
2 information in response to a question in an application for
3 licensure.

4 (2) Failing to meet the minimum qualifications for
5 licensure as an appraiser established by this Act.

6 (3) Paying money, other than for the fees provided for
7 by this Act, or anything of value to a member or employee
8 of the Board or the Department to procure licensure under
9 this Act.

10 (4) Conviction by plea of guilty or nolo contendere,
11 finding of guilt, jury verdict, or entry of judgment or by
12 sentencing of any crime, including, but not limited to,
13 convictions, preceding sentences of supervision,
14 conditional discharge, or first offender probation, under
15 the laws of any jurisdiction of the United States: (i) that
16 is a felony; or (ii) that is a misdemeanor, an essential
17 element of which is dishonesty, or that is directly related
18 to the practice of the profession.

19 (5) Committing an act or omission involving
20 dishonesty, fraud, or misrepresentation with the intent to
21 substantially benefit the licensee or another person or
22 with intent to substantially injure another person as
23 defined by rule.

24 (6) Violating a provision or standard for the
25 development or communication of real estate appraisals as
26 provided in Section 10-10 of this Act or as defined by

1 rule.

2 (7) Failing or refusing without good cause to exercise
3 reasonable diligence in developing, reporting, or
4 communicating an appraisal, as defined by this Act or by
5 rule.

6 (8) Violating a provision of this Act or the rules
7 adopted pursuant to this Act.

8 (9) Having been disciplined by another state, the
9 District of Columbia, a territory, a foreign nation, a
10 governmental agency, or any other entity authorized to
11 impose discipline if at least one of the grounds for that
12 discipline is the same as or the equivalent of one of the
13 grounds for which a licensee may be disciplined under this
14 Act.

15 (10) Engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public.

18 (11) Accepting an appraisal assignment when the
19 employment itself is contingent upon the appraiser
20 reporting a predetermined estimate, analysis, or opinion
21 or when the fee to be paid is contingent upon the opinion,
22 conclusion, or valuation reached or upon the consequences
23 resulting from the appraisal assignment.

24 (12) Developing valuation conclusions based on the
25 race, color, religion, sex, national origin, ancestry,
26 age, marital status, family status, physical or mental

1 disability, or unfavorable military discharge, as defined
2 under the Illinois Human Rights Act, of the prospective or
3 present owners or occupants of the area or property under
4 appraisal.

5 (13) Violating the confidential nature of government
6 records to which the licensee gained access through
7 employment or engagement as an appraiser by a government
8 agency.

9 (14) Being adjudicated liable in a civil proceeding on
10 grounds of fraud, misrepresentation, or deceit. In a
11 disciplinary proceeding based upon a finding of civil
12 liability, the appraiser shall be afforded an opportunity
13 to present mitigating and extenuating circumstances, but
14 may not collaterally attack the civil adjudication.

15 (15) Being adjudicated liable in a civil proceeding for
16 violation of a state or federal fair housing law.

17 (16) Engaging in misleading or untruthful advertising
18 or using a trade name or insignia of membership in a real
19 estate appraisal or real estate organization of which the
20 licensee is not a member.

21 (17) Failing to fully cooperate with a Department
22 investigation by knowingly making a false statement,
23 submitting false or misleading information, or refusing to
24 provide complete information in response to written
25 interrogatories or a written request for documentation
26 within 30 days of the request.

1 (18) Failing to include within the certificate of
2 appraisal for all written appraisal reports the
3 appraiser's license number and licensure title. All
4 appraisers providing significant contribution to the
5 development and reporting of an appraisal must be disclosed
6 in the appraisal report. It is a violation of this Act for
7 an appraiser to sign a report, transmittal letter, or
8 appraisal certification knowing that a person providing a
9 significant contribution to the report has not been
10 disclosed in the appraisal report.

11 (19) Violating the terms of a disciplinary order or
12 consent to administrative supervision order.

13 (20) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 that results in a licensee's inability to practice with
16 reasonable judgment, skill, or safety.

17 (21) A physical or mental illness or disability which
18 results in the inability to practice under this Act with
19 reasonable judgment, skill, or safety.

20 (22) Gross negligence in developing an appraisal or in
21 communicating an appraisal or failing to observe one or
22 more of the Uniform Standards of Professional Appraisal
23 Practice.

24 (23) A pattern of practice or other behavior that
25 demonstrates incapacity or incompetence to practice under
26 this Act.

1 (24) Using or attempting to use the seal, certificate,
2 or license of another as his or her own; falsely
3 impersonating any duly licensed appraiser; using or
4 attempting to use an inactive, expired, suspended, or
5 revoked license; or aiding or abetting any of the
6 foregoing.

7 (25) Solicitation of professional services by using
8 false, misleading, or deceptive advertising.

9 (26) Making a material misstatement in furnishing
10 information to the Department.

11 (27) Failure to furnish information to the Department
12 upon written request.

13 No consideration shall be given to convictions entered
14 prior to the date of the application, where the applicant has
15 completed any sentence imposed for that conviction, including
16 any period of mandatory supervised release.

17 (b) The Department may reprimand suspend, revoke, or refuse
18 to issue or renew an education provider's license, may
19 reprimand, place on probation, or otherwise discipline an
20 education provider and may suspend or revoke the course
21 approval of any course offered by an education provider and may
22 impose an administrative fine not to exceed \$25,000 upon an
23 education provider, for any of the following:

24 (1) Procuring or attempting to procure licensure by
25 knowingly making a false statement, submitting false
26 information, engaging in any form of fraud or

1 misrepresentation, or refusing to provide complete
2 information in response to a question in an application for
3 licensure.

4 (2) Failing to comply with the covenants certified to
5 on the application for licensure as an education provider.

6 (3) Committing an act or omission involving
7 dishonesty, fraud, or misrepresentation or allowing any
8 such act or omission by any employee or contractor under
9 the control of the provider.

10 (4) Engaging in misleading or untruthful advertising.

11 (5) Failing to retain competent instructors in
12 accordance with rules adopted under this Act.

13 (6) Failing to meet the topic or time requirements for
14 course approval as the provider of a qualifying curriculum
15 course or a continuing education course.

16 (7) Failing to administer an approved course using the
17 course materials, syllabus, and examinations submitted as
18 the basis of the course approval.

19 (8) Failing to provide an appropriate classroom
20 environment for presentation of courses, with
21 consideration for student comfort, acoustics, lighting,
22 seating, workspace, and visual aid material.

23 (9) Failing to maintain student records in compliance
24 with the rules adopted under this Act.

25 (10) Failing to provide a certificate, transcript, or
26 other student record to the Department or to a student as

1 may be required by rule.

2 (11) Failing to fully cooperate with an investigation
3 by the Department by knowingly making a false statement,
4 submitting false or misleading information, or refusing to
5 provide complete information in response to written
6 interrogatories or a written request for documentation
7 within 30 days of the request.

8 (c) In appropriate cases, the Department may resolve a
9 complaint against a licensee through the issuance of a Consent
10 to Administrative Supervision order. A licensee subject to a
11 Consent to Administrative Supervision order shall be
12 considered by the Department as an active licensee in good
13 standing. This order shall not be reported or considered by the
14 Department to be a discipline of the licensee. The records
15 regarding an investigation and a Consent to Administrative
16 Supervision order shall be considered confidential and shall
17 not be released by the Department except as mandated by law. A
18 complainant shall be notified if his or her complaint has been
19 resolved by a Consent to Administrative Supervision order.

20 (Source: P.A. 97-602, eff. 8-26-11; 97-877, eff. 8-2-12;
21 98-1109, eff. 1-1-15.)

22 Section 320. The Appraisal Management Company Registration
23 Act is amended by changing Section 65 as follows:

24 (225 ILCS 459/65)

1 Sec. 65. Disciplinary actions.

2 (a) The Department may refuse to issue or renew, or may
3 revoke, suspend, place on probation, reprimand, or take other
4 disciplinary or non-disciplinary action as the Department may
5 deem appropriate, including imposing fines not to exceed
6 \$25,000 for each violation, with regard to any registration for
7 any one or combination of the following:

8 (1) Material misstatement in furnishing information to
9 the Department.

10 (2) Violations of this Act, or of the rules adopted
11 under this Act.

12 (3) Conviction of, or entry of a plea of guilty or nolo
13 contendere to any crime that is a felony under the laws of
14 the United States or any state or territory thereof or that
15 is a misdemeanor of which an essential element is
16 dishonesty, or any crime that is directly related to the
17 practice of the profession.

18 (4) Making any misrepresentation for the purpose of
19 obtaining registration or violating any provision of this
20 Act or the rules adopted under this Act pertaining to
21 advertising.

22 (5) Professional incompetence.

23 (6) Gross malpractice.

24 (7) Aiding or assisting another person in violating any
25 provision of this Act or rules adopted under this Act.

26 (8) Failing, within 30 days after requested, to provide

1 information in response to a written request made by the
2 Department.

3 (9) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public.

6 (10) Discipline by another state, District of
7 Columbia, territory, or foreign nation, if at least one of
8 the grounds for the discipline is the same or substantially
9 equivalent to those set forth in this Section.

10 (11) A finding by the Department that the registrant,
11 after having his or her registration placed on probationary
12 status, has violated the terms of probation.

13 (12) Willfully making or filing false records or
14 reports in his or her practice, including, but not limited
15 to, false records filed with State agencies or departments.

16 (13) Filing false statements for collection of fees for
17 which services are not rendered.

18 (14) Practicing under a false or, except as provided by
19 law, an assumed name.

20 (15) Fraud or misrepresentation in applying for, or
21 procuring, a registration under this Act or in connection
22 with applying for renewal of a registration under this Act.

23 (16) Being adjudicated liable in a civil proceeding for
24 violation of a state or federal fair housing law.

25 (17) Failure to obtain or maintain the bond required
26 under Section 50 of this Act.

1 No consideration shall be given to convictions entered
2 prior to the date of the application, where the applicant has
3 completed any sentence imposed for that conviction, including
4 any period of mandatory supervised release.

5 (b) The Department may refuse to issue or may suspend
6 without hearing as provided for in the Civil Administrative
7 Code the registration of any person who fails to file a return,
8 or to pay the tax, penalty or interest shown in a filed return,
9 or to pay any final assessment of the tax, penalty, or interest
10 as required by any tax Act administered by the Illinois
11 Department of Revenue, until such time as the requirements of
12 any such tax Act are satisfied.

13 (Source: P.A. 97-602, eff. 8-26-11.)

14 Section 325. The Solicitation for Charity Act is amended by
15 changing Sections 6 and 8 as follows:

16 (225 ILCS 460/6) (from Ch. 23, par. 5106)

17 Sec. 6. Professional fund raiser registration.

18 (a) No person shall act as a professional fund raiser or
19 allow a professional fund raiser entity he owns, manages or
20 controls to act for a charitable organization required to
21 register pursuant to Section 2 of this Act, or for any
22 organization as described in Section 3 of this Act before he
23 has registered himself or the entity with the Attorney General
24 or after the expiration or cancellation of such registration or

1 any renewal thereof. Applications for registration and
2 re-registration shall be in writing, under oath, in the form
3 prescribed by the Attorney General. A registration fee of \$100
4 shall be paid with each registration and upon each
5 re-registration. Registration and re-registration can proceed
6 only if all financial reports have been filed in proper form
7 and all fees have been paid in full. If the applicant intends
8 to or does take control or possession of charitable funds, the
9 applicant shall at the time of making application, file with,
10 and have approved by, the Attorney General a bond in which the
11 applicant shall be the principal obligor, in the sum of
12 \$10,000, with one or more corporate sureties licensed to do
13 business in this State whose liability in the aggregate will at
14 least equal such sum. The bond shall run to the Attorney
15 General for the use of the State and to any person who may have
16 a cause of action against the obligor of the bond for any
17 malfeasance or misfeasance in the conduct of such solicitation;
18 provided, that the aggregate limit of liability of the surety
19 to the State and to all such persons shall, in no event, exceed
20 the sum of such bond. Registration or re-registration when
21 effected shall be for a period of one year, or a part thereof,
22 expiring on the 30th day of June, and may be renewed upon
23 written application, under oath, in the form prescribed by the
24 Attorney General and the filing of the bond for additional one
25 year periods. Every professional fund raiser required to
26 register pursuant to this Act shall file an annual written

1 report with the Attorney General containing such information as
2 he may require by rule. Certification shall be required for
3 only information within the professional fund raiser's
4 knowledge.

5 (b) Upon filing a complete registration statement, a
6 professional fund raiser shall be given a registration number
7 and shall be considered registered. If the materials submitted
8 are determined to be inaccurate or incomplete, the Attorney
9 General shall notify the professional fund raiser of his
10 findings and the defect and that within 30 days his
11 registration will be cancelled unless the defect is cured
12 within said time.

13 (c) Every professional fund raiser registered under this
14 Act who takes possession or control of charitable funds
15 directly, indirectly, or through an escrow shall submit a full
16 written accounting to the charitable organization of all funds
17 it or its agents collected on behalf of the charitable
18 organization during the 6 month period ended June 30 of each
19 year, and file a copy of the accounting with the Attorney
20 General. The accounting shall be in writing under oath and be
21 signed and made on forms as prescribed by the Attorney General
22 and shall be filed by the following September 30 of each year;
23 however, within the time prescribed, and for good cause, the
24 Attorney General may grant a 60 day extension of the due date.

25 (d) Every professional fund raiser registered pursuant to
26 this Act shall also file calendar year written financial

1 reports with the Attorney General containing such information
2 as he may require, on forms prescribed by him, as well as
3 separate financial reports for each separate fund raising
4 campaign conducted. The written report, including all required
5 schedules, shall be filed under oath on or before April 30 of
6 the following calendar year and be signed and verified under
7 penalty of perjury within the time prescribed. An annual report
8 fee of \$25 shall be paid to the Attorney General with the
9 filing of that report. If the report is not timely filed, a
10 late filing fee shall result and must be paid prior to
11 re-registration. The late filing fee shall be calculated at
12 \$200 for each and every separate fundraising campaign conducted
13 during the report year. For good cause, the Attorney General
14 may grant a 30 day extension of the due date, in which case a
15 late filing fee shall not be imposed until the expiration of
16 the extension period. A copy of the report shall also be given
17 to the charitable organization by the due date of filing. A
18 professional fund raiser shall only be required to verify
19 information actually available to the professional fund
20 raiser, but in any event an annual report must be timely filed.

21 (d-5) The calendar year written financial report of every
22 professional fund raiser who conducts, manages, or carries on a
23 fund raising campaign involving the collection or resale of any
24 automobiles, motorcycles, other motor vehicles, boats, yachts,
25 or other water craft collected in Illinois during the report
26 year, and the distribution of funds from the collection or

1 resale of such motor vehicles and water crafts to the
2 charitable organization, must include a schedule detailing the
3 following information for each motor vehicle and water craft
4 collected or resold:

5 (1) The vehicle or hull identification number.

6 (2) The gross resale amount of the vehicle.

7 (3) The total amount distributed to the charitable
8 organization from the collection or resale of the motor
9 vehicle or water craft.

10 (4) Any and all fees, compensation, or other
11 consideration paid to or retained by the professional fund
12 raiser from the collection or resale of the motor vehicle
13 or water craft.

14 (5) The identity of any other professional fund raiser
15 that participated in the collection or resale of the
16 vehicle and any fees, compensation, or other consideration
17 paid to or retained by that other professional fund raiser
18 from the collection or resale of the motor vehicle or water
19 craft.

20 The calendar year written financial report of every
21 professional fund raiser who conducts, manages, or carries on a
22 fund raising campaign involving the collection or resale of any
23 automobile, motorcycle, other motor vehicle, boat, yacht, or
24 other water craft collected in Illinois during the report year,
25 but who does not distribute funds from such collection or
26 resale to the charitable organization, must include a schedule

1 detailing the following information for each motor vehicle and
2 water craft collected or resold:

3 (1) The vehicle or hull identification number.

4 (2) Any and all fees, compensation, or other
5 consideration paid to or retained by the professional fund
6 raiser from the collection or resale of the motor vehicle
7 or water craft.

8 (3) The identity of the person or entity involved in
9 the fund raising campaign who does distribute funds from
10 the collection or resale of the vehicle to the charitable
11 organization.

12 (e) No consideration shall be given to convictions entered
13 prior to the date of the application, where the applicant has
14 completed any sentence imposed for that conviction, including
15 any period of mandatory supervised release. ~~No person convicted~~
16 ~~of a felony may register as a professional fund raiser, and no~~
17 ~~person convicted of a misdemeanor involving fiscal wrongdoing,~~
18 ~~breach of fiduciary duty or a violation of this Act may~~
19 ~~register as a professional fund raiser for a period of 5 years~~
20 ~~from the date of the conviction or the date of termination of~~
21 ~~the sentence or probation, if any, whichever is later. This~~
22 ~~subsection shall not apply to charitable organizations that~~
23 ~~have as their primary purpose the rehabilitation of criminal~~
24 ~~offenders, the reintegration of criminal offenders into~~
25 ~~society, the improvement of the criminal justice system or the~~
26 ~~improvement of conditions within penal institutions.~~

1 (f) A professional fund raiser may not cause or allow
2 independent contractors to act on its behalf in soliciting
3 charitable contributions other than registered professional
4 solicitors. A professional fund raiser must maintain the names,
5 addresses and social security numbers of all of its
6 professional solicitors for a period of at least 2 years.

7 (g) Any person who knowingly violates the provisions of
8 subsections (a), (e), and (f) of this Section is guilty of a
9 Class 4 felony. Any person who fails after being given notice
10 of delinquency to file written financial reports required by
11 subsections (c), (d), and (d-5) of this Section which is more
12 than 2 months past its due date is guilty of a Class A
13 misdemeanor.

14 (h) Any person who violates any of the provisions of this
15 Section shall be subject to civil penalties of \$5,000 for each
16 violation and shall not be entitled to keep or receive fees,
17 salaries, commissions or any compensation as a result or on
18 account of the solicitations or fund raising campaigns, and at
19 the request of the Attorney General or the charitable
20 organization, a court may order that such be forfeited and paid
21 toward and used for a charitable purpose as the court in its
22 discretion determines is appropriate or placed in the Illinois
23 Charity Bureau Fund.

24 (Source: P.A. 94-749, eff. 1-1-07.)

25 (225 ILCS 460/8) (from Ch. 23, par. 5108)

1 Sec. 8. (a) No person shall act as a professional solicitor
2 in the employ of a professional fund raiser required to
3 register pursuant to Section 6 of this Act before he has
4 registered with the Attorney General or after the expiration or
5 cancellation of such registration or any renewal thereof.
6 Application for registration or re-registration shall be in
7 writing, under oath, in the form prescribed by the Attorney
8 General. It shall describe the method and amount the solicitor
9 will be paid and the charities for which the solicitor will be
10 soliciting. Such registration or re-registration when effected
11 shall be for a period of one year, or a part thereof, expiring
12 on the 30th day of June, and may be renewed upon written
13 application, under oath, in the form prescribed by the Attorney
14 General for additional one year periods.

15 (b) Any person who violates the provisions of this Section
16 is guilty of a Class A misdemeanor.

17 (c) No consideration shall be given to convictions entered
18 prior to the date of the application, where the applicant has
19 completed any sentence imposed for that conviction, including
20 any period of mandatory supervised release. No person convicted
21 of a felony may register as a professional solicitor. No person
22 convicted of a misdemeanor involving fiscal wrongdoing, breach
23 of fiduciary duty, or a violation of this Act may register as a
24 professional solicitor.

25 (d) Any person who violates the provisions of this Section
26 shall not be entitled to keep or receive fees, salaries,

1 commissions, or any compensation as a result or on account of
2 the solicitations or fund raising campaigns, and at the request
3 of the Attorney General a court may order that such fees,
4 salaries, commissions, or compensation shall be forfeited and
5 distributed for charitable use.

6 (Source: P.A. 87-755.)

7 Section 330. The Nurse Agency Licensing Act is amended by
8 changing Section 8 as follows:

9 (225 ILCS 510/8) (from Ch. 111, par. 958)

10 Sec. 8. Grounds for denial of a license. An application for
11 a license may be denied for any of the following reasons:

12 (a) failure to comply with the minimum standards set forth
13 by this Act or its rules;

14 (b) (blank); ~~conviction of the applicant of a felony;~~

15 (c) insufficient financial or other resources to operate
16 the nurse agency in accordance with the requirements of this
17 Act and the minimum standards, rules and regulations
18 promulgated thereunder; or

19 (d) failure to establish appropriate personnel policies
20 and procedures for selecting nurses and certified nurse aides
21 for employment, assignment or referral.

22 No consideration shall be given to convictions entered
23 prior to the date of the application, where the applicant has
24 completed any sentence imposed for that conviction, including

1 any period of mandatory supervised release.

2 (Source: P.A. 86-817.)

3 Section 335. The Animal Welfare Act is amended by changing
4 Section 10 as follows:

5 (225 ILCS 605/10) (from Ch. 8, par. 310)

6 Sec. 10. Grounds for discipline. The Department may refuse
7 to issue or renew or may suspend or revoke a license on any one
8 or more of the following grounds:

9 a. Material misstatement in the application for
10 original license or in the application for any renewal
11 license under this Act;

12 b. A violation of this Act or of any regulations or
13 rules issued pursuant thereto;

14 c. Aiding or abetting another in the violation of this
15 Act or of any regulation or rule issued pursuant thereto;

16 d. Allowing one's license under this Act to be used by
17 an unlicensed person;

18 e. Conviction of any crime an essential element of
19 which is misstatement, fraud or dishonesty or conviction of
20 any felony, if the Department determines, after
21 investigation, that such person has not been sufficiently
22 rehabilitated to warrant the public trust;

23 f. Conviction of a violation of any law of Illinois
24 except minor violations such as traffic violations and

1 violations not related to the disposition of dogs, cats and
2 other animals or any rule or regulation of the Department
3 relating to dogs or cats and sale thereof;

4 g. Making substantial misrepresentations or false
5 promises of a character likely to influence, persuade or
6 induce in connection with the business of a licensee under
7 this Act;

8 h. Pursuing a continued course of misrepresentation of
9 or making false promises through advertising, salesman,
10 agents or otherwise in connection with the business of a
11 licensee under this Act;

12 i. Failure to possess the necessary qualifications or
13 to meet the requirements of the Act for the issuance or
14 holding a license; or

15 j. Proof that the licensee is guilty of gross
16 negligence, incompetency, or cruelty with regard to
17 animals.

18 No consideration shall be given to convictions entered
19 prior to the date of the application, where the applicant has
20 completed any sentence imposed for that conviction, including
21 any period of mandatory supervised release.

22 The Department may refuse to issue or may suspend the
23 license of any person who fails to file a return, or to pay the
24 tax, penalty or interest shown in a filed return, or to pay any
25 final assessment of tax, penalty or interest, as required by
26 any tax Act administered by the Illinois Department of Revenue,

1 until such time as the requirements of any such tax Act are
2 satisfied.

3 The Department may order any licensee to cease operation
4 for a period not to exceed 72 hours to correct deficiencies in
5 order to meet licensing requirements.

6 If the Department revokes a license under this Act at an
7 administrative hearing, the licensee and any individuals
8 associated with that license shall be prohibited from applying
9 for or obtaining a license under this Act for a minimum of 3
10 years.

11 (Source: P.A. 99-310, eff. 1-1-16.)

12 Section 340. The Illinois Feeder Swine Dealer Licensing Act
13 is amended by changing Section 9 as follows:

14 (225 ILCS 620/9) (from Ch. 111, par. 209)

15 Sec. 9. Grounds for refusal to issue or renew license and
16 for license suspension and revocation. The Department may
17 refuse to issue or renew or may suspend or revoke a license on
18 any one or more of the following grounds:

19 a. Material misstatement in the application for original
20 license or in the application for any renewal license under
21 this Act;

22 b. Disregard or violation of this Act, any other Act
23 relative to the purchase and sale of livestock or any
24 regulation or rule issued pursuant thereto;

1 c. Aiding or abetting another in the violation of this Act
2 or of any regulation or rule issued pursuant thereto;

3 d. Allowing one's license under this Act to be used by an
4 unlicensed person;

5 e. Conviction of any crime an essential element of which is
6 misstatement, fraud or dishonesty or conviction of any felony,
7 if the Department determines, after investigation, that such
8 person has not been sufficiently rehabilitated to warrant the
9 public trust;

10 f. Conviction of a violation of any law of Illinois or any
11 rule or regulation of the Department relating to feeder swine;

12 g. Making substantial misrepresentations or false promises
13 of a character likely to influence, persuade or induce in
14 connection with the livestock industry;

15 h. Pursuing a continued course of misrepresentation of or
16 making false promises through advertising, salesmen, agents or
17 otherwise in connection with the livestock industry;

18 i. Failure to possess the necessary qualifications or to
19 meet the requirements of this Act for the issuance or holding
20 of a license;

21 j. Operating without the bond or trust fund agreement
22 required by this Act; or

23 k. Failing to file a return, or to pay the tax, penalty or
24 interest shown in a filed return, or to pay any final
25 assessment of tax, penalty or interest, as required by any tax
26 Act administered by the Illinois Department of Revenue.

1 No consideration shall be given to convictions entered
2 prior to the date of the application, where the applicant has
3 completed any sentence imposed for that conviction, including
4 any period of mandatory supervised release.

5 (Source: P.A. 89-154, eff. 7-19-95.)

6 Section 345. The Illinois Horse Meat Act is amended by
7 changing Section 3.2 as follows:

8 (225 ILCS 635/3.2) (from Ch. 56 1/2, par. 242.2)

9 Sec. 3.2. The following persons are ineligible for
10 licenses:

11 a. A person who is not a resident of the city, village or
12 county in which the premises covered by the license are
13 located; except in case of railroad or boat licenses.

14 b. A person who is not of good character and reputation in
15 the community in which he resides.

16 c. A person who is not a citizen of the United States.

17 d. (Blank). ~~A person who has been convicted of a felony.~~

18 e. (Blank). ~~A person who has been convicted of a crime or~~
19 ~~misdemeanor opposed to decency and morality.~~

20 f. A person whose license issued under this Act has been
21 revoked for cause.

22 g. A person who at the time of application for renewal of
23 any license issued hereunder would not be eligible for such
24 license upon a first application.

1 h. A co-partnership, unless all of the members of such
2 co-partnership shall be qualified to obtain a license.

3 i. A corporation, if any officer, manager or director
4 thereof or any stockholder or stockholders owning in the
5 aggregate more than five percent (5%) of the stock of such
6 corporation, would not be eligible to receive a license
7 hereunder for any reason other than citizenship and residence
8 within the political subdivision.

9 j. A person whose place of business is conducted by a
10 manager or agent unless said manager or agent possesses the
11 same qualifications required of the licensee.

12 (Source: Laws 1955, p. 388.)

13 Section 350. The Illinois Livestock Dealer Licensing Act is
14 amended by changing Section 9 as follows:

15 (225 ILCS 645/9) (from Ch. 111, par. 409)

16 Sec. 9. The Department may refuse to issue or renew or may
17 suspend or revoke a license on any of the following grounds:

18 a. Material misstatement in the application for
19 original license or in the application for any renewal
20 license under this Act;

21 b. Wilful disregard or violation of this Act, or of any
22 other Act relative to the purchase and sale of livestock,
23 feeder swine or horses, or of any regulation or rule issued
24 pursuant thereto;

1 c. Wilfully aiding or abetting another in the violation
2 of this Act or of any regulation or rule issued pursuant
3 thereto;

4 d. Allowing one's license under this Act to be used by
5 an unlicensed person;

6 e. Conviction of any felony, if the Department
7 determines, after investigation, that such person has not
8 been sufficiently rehabilitated to warrant the public
9 trust;

10 f. Conviction of any crime an essential element of
11 which is misstatement, fraud or dishonesty;

12 g. Conviction of a violation of any law in Illinois or
13 any Departmental rule or regulation relating to livestock;

14 h. Making substantial misrepresentations or false
15 promises of a character likely to influence, persuade or
16 induce in connection with the livestock industry;

17 i. Pursuing a continued course of misrepresentation of
18 or making false promises through advertising, salesmen,
19 agents or otherwise in connection with the livestock
20 industry;

21 j. Failure to possess the necessary qualifications or
22 to meet the requirements of this Act for the issuance or
23 holding a license;

24 k. Failure to pay for livestock after purchase;

25 l. Issuance of checks for payment of livestock when
26 funds are insufficient;

1 m. Determination by a Department audit that the
2 licensee or applicant is insolvent;

3 n. Operating without adequate bond coverage or its
4 equivalent required for licensees;

5 o. Failing to remit the assessment required in Section
6 9 of the Beef Market Development Act upon written complaint
7 of the Checkoff Division of the Illinois Beef Association
8 Board of Governors.

9 No consideration shall be given to convictions entered
10 prior to the date of the application, where the applicant has
11 completed any sentence imposed for that conviction, including
12 any period of mandatory supervised release.

13 The Department may refuse to issue or may suspend the
14 license of any person who fails to file a return, or to pay the
15 tax, penalty or interest shown in a filed return, or to pay any
16 final assessment of tax, penalty or interest, as required by
17 any tax Act administered by the Illinois Department of Revenue,
18 until such time as the requirements of any such tax Act are
19 satisfied.

20 (Source: P.A. 99-389, eff. 8-18-15; 99-642, eff. 7-28-16.)

21 Section 355. The Slaughter Livestock Buyers Act is amended
22 by changing Section 7 as follows:

23 (225 ILCS 655/7) (from Ch. 111, par. 508)

24 Sec. 7. The Department may refuse to issue or may suspend

1 or revoke a certificate of registration on any of the following
2 grounds:

3 a. Material misstatement in the application for original
4 registration;

5 b. Wilful disregard or violation of this Act or of any
6 regulation or rule issued pursuant thereto;

7 c. Wilfully aiding or abetting another in the violation of
8 this Act or of any regulation or rule issued pursuant thereto;

9 d. Conviction of any felony, if the Department determines,
10 after investigation, that such person has not been sufficiently
11 rehabilitated to warrant the public trust;

12 e. Conviction of any crime an essential element of which is
13 misstatement, fraud or dishonesty;

14 f. Conviction of a violation of any law of Illinois
15 relating to the purchase of livestock or any Departmental rule
16 or regulation pertaining thereto;

17 g. Making substantial misrepresentations or false promises
18 of a character likely to influence, persuade or induce in
19 connection with the business conducted under this Act;

20 h. Pursuing a continued course of misrepresentation of or
21 making false promises through advertising, salesman, agent or
22 otherwise in connection with the business conducted under this
23 Act;

24 i. Failure to possess the necessary qualifications or to
25 meet the requirements of this Act;

26 j. Failure to pay for livestock within 24 hours after

1 purchase, except as otherwise provided in Section 16;

2 k. If Department audit determines the registrant to be
3 insolvent; or

4 l. Issuance of checks for payment of livestock when funds
5 are insufficient.

6 No consideration shall be given to convictions entered
7 prior to the date of the application, where the applicant has
8 completed any sentence imposed for that conviction, including
9 any period of mandatory supervised release.

10 (Source: P.A. 80-915.)

11 Section 360. The Professional Geologist Licensing Act is
12 amended by changing Section 80 as follows:

13 (225 ILCS 745/80)

14 (Section scheduled to be repealed on January 1, 2026)

15 Sec. 80. Disciplinary actions.

16 (a) The Department may refuse to issue or renew, or may
17 revoke, suspend, place on probation, reprimand, or take other
18 disciplinary or non-disciplinary action as the Department may
19 deem appropriate, including fines not to exceed \$10,000 for
20 each violation, with regard to any license for any one or
21 combination of the following:

22 (1) Material misstatement in furnishing information to
23 the Department.

24 (2) Violations of this Act, or of the rules promulgated

1 under this Act.

2 (3) Conviction by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment or by
4 sentencing of any crime, including, but not limited to,
5 convictions, preceding sentences of supervision,
6 conditional discharge, or first offender probation, under
7 the laws of any jurisdiction of the United States: (i) that
8 is a felony or (ii) that is a misdemeanor, an essential
9 element of which is dishonesty, or that is directly related
10 to the practice of the profession.

11 (4) Making any misrepresentation for the purpose of
12 obtaining licensure or violating any provision of this Act
13 or the rules promulgated under this Act pertaining to
14 advertising.

15 (5) Professional incompetence.

16 (6) Malpractice.

17 (7) Aiding or assisting another person in violating any
18 provision of this Act or rules promulgated under this Act.

19 (8) Failing, within 60 days, to provide information in
20 response to a written request made by the Department.

21 (9) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 (10) Habitual or excessive use or addiction to alcohol,
25 narcotics, stimulants, or any other chemical agent or drug
26 that results in the inability to practice with reasonable

1 judgment, skill, or safety.

2 (11) Discipline by another state, the District of
3 Columbia, a territory of the United States, or a foreign
4 nation, if at least one of the grounds for the discipline
5 is the same or substantially equivalent to those set forth
6 in this Section.

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

12 (13) A finding by the Department that the licensee,
13 after having his or her license placed on probationary
14 status, has violated the terms of probation.

15 (14) Willfully making or filing false records or
16 reports in his or her practice, including but not limited
17 to, false records filed with State agencies or departments.

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

22 (16) Solicitation of professional services other than
23 permitted advertising.

24 (17) Conviction of or cash compromise of a charge or
25 violation of the Illinois Controlled Substances Act
26 regulating narcotics.

1 (18) Failure to (i) file a tax return, (ii) pay the
2 tax, penalty, or interest shown in a filed return, or (iii)
3 pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Illinois
5 Department of Revenue, until the requirements of that tax
6 Act are satisfied.

7 (19) Conviction by any court of competent
8 jurisdiction, either within or outside this State, of any
9 violation of any law governing the practice of professional
10 geology, if the Department determines, after
11 investigation, that the person has not been sufficiently
12 rehabilitated to warrant the public trust.

13 (20) Gross, willful, or continued overcharging for
14 professional services, including filing false statements
15 for collection of fees for which services are not rendered.

16 (21) Practicing under a false or, except as provided by
17 law, an assumed name.

18 (22) Fraud or misrepresentation in applying for, or
19 procuring, a license to practice as a Licensed Professional
20 Geologist under this Act or in connection with applying for
21 renewal of a license under this Act.

22 (23) Cheating on or attempting to subvert the licensing
23 examination administered under this Act.

24 No consideration shall be given to convictions entered
25 prior to the date of the application, where the applicant has
26 completed any sentence imposed for that conviction, including

1 any period of mandatory supervised release.

2 (b) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission as
4 provided in the Mental Health and Developmental Disabilities
5 Code operates as an automatic suspension. The suspension will
6 end only upon a finding by a court that the licensee is no
7 longer subject to the involuntary admission or judicial
8 admission and issues an order so finding and discharging the
9 licensee; and upon the recommendation of the Board to the
10 Secretary that the licensee be allowed to resume his or her
11 practice.

12 All fines imposed under this Section shall be paid within
13 60 days after the effective date of the order imposing the fine
14 or in accordance with the terms set forth in the order imposing
15 the fine.

16 (Source: P.A. 99-26, eff. 7-10-15.)

17 Section 365. The Humane Euthanasia in Animal Shelters Act
18 is amended by changing Section 65 as follows:

19 (510 ILCS 72/65)

20 Sec. 65. Refused issuance, suspension, or revocation of
21 certification. The Department may refuse to issue, renew, or
22 restore a certification or may revoke or suspend a
23 certification, or place on probation, reprimand, impose a fine
24 not to exceed \$10,000 for each violation, or take other

1 disciplinary or non-disciplinary action as the Department may
2 deem proper with regard to a certified euthanasia agency or a
3 certified euthanasia technician for any one or combination of
4 the following reasons:

5 (1) in the case of a certified euthanasia technician,
6 failing to carry out the duties of a euthanasia technician
7 set forth in this Act or rules adopted under this Act;

8 (2) abusing the use of any controlled substance or
9 euthanasia drug;

10 (3) selling, stealing, or giving controlled substances
11 or euthanasia drugs away;

12 (4) abetting anyone in violating item (1) or (2) of
13 this Section;

14 (5) violating any provision of this Act, the Illinois
15 Controlled Substances Act, the Illinois Food, Drug and
16 Cosmetic Act, the federal Food, Drug, and Cosmetic Act, the
17 federal Controlled Substances Act, the rules adopted under
18 these Acts, or any rules adopted by the Department of
19 Professional Regulation concerning the euthanizing of
20 animals;

21 (6) in the case of a euthanasia technician, acting as a
22 euthanasia technician outside of the scope of his or her
23 employment with a certified euthanasia agency; and

24 (7) in the case of a euthanasia technician, being
25 convicted of or entering a plea of guilty or nolo
26 contendere to any crime that is (i) a felony under the laws

1 of the United States or any state or territory thereof,
2 (ii) a misdemeanor under the laws of the United States or
3 any state or territory an essential element of which is
4 dishonesty, or (iii) directly related to the practice of
5 the profession.

6 No consideration shall be given to convictions entered
7 prior to the date of the application, where the applicant has
8 completed any sentence imposed for that conviction, including
9 any period of mandatory supervised release.

10 (Source: P.A. 96-780, eff. 8-28-09; 97-813, eff. 7-13-12.)

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