



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2618

Introduced 2/7/2018, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Environmental Health Practitioner Licensing Act from January 1, 2019 to January 1, 2029. Amends the Environmental Health Practitioner Licensing Act. Provides that applicants and licensees shall provide the Department of Financial and Professional Regulation with a valid address and email address and inform the Department of any changes within 14 days. Makes changes to the grounds by which the Department may refuse to issue, renew, revoke, suspend, or discipline a license because of the applicant's or licensee's criminal history. Removes duplicate provisions concerning record of proceedings. Adds provisions concerning confidentiality of a complaint against a licensee. Replaces "Director" with "Secretary" in order to update references to the Secretary of Financial and Professional Regulation. Makes other changes. Effective immediately.

LRB100 16352 SMS 31478 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 Regulatory Sunset Act is amended by changing
5 Section 4.29 and adding Section 4.39 as follows:

6 (5 ILCS 80/4.29)

7 Sec. 4.29. Acts repealed on ~~January 1, 2019~~ and December
8 31, 2019.

9 ~~(a) The following Act is repealed on January 1, 2019:~~

10 ~~The Environmental Health Practitioner Licensing Act.~~

11 ~~(b) The following Acts are repealed on December 31, 2019:~~

12 The Medical Practice Act of 1987.

13 The Structural Pest Control Act.

14 (Source: P.A. 100-429, eff. 8-25-17.)

15 (5 ILCS 80/4.39 new)

16 Sec. 4.39. Act repealed on January 1, 2029. The following
17 Act is repealed on January 1, 2029:

18 The Environmental Health Practitioner Licensing Act.

19 Section 10. The Environmental Health Practitioner
20 Licensing Act is amended by changing Sections 10, 18, 19, 31,
21 35, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 115, 125, and 130

1 and by adding Sections 11 and 123 as follows:

2 (225 ILCS 37/10)

3 (Section scheduled to be repealed on January 1, 2019)

4 Sec. 10. Definitions. As used in this Act:

5 "Address of record" means the designated address recorded
6 by the Department in the applicant's application file or the
7 licensee's license file maintained by the Department's
8 licensure maintenance unit.

9 "Board" means the Board of Environmental Health
10 Practitioners as created in this Act.

11 "Department" means the Department of Financial and
12 Professional Regulation.

13 ~~"Director" means the Director of Professional Regulation.~~

14 "Email address of record" means the designated email
15 address recorded by the Department in the applicant's
16 application file or the licensee's license file maintained by
17 the Department's licensure maintenance unit.

18 "Environmental health inspector" means an individual who,
19 in support of and under the general supervision of a licensed
20 environmental health practitioner or licensed professional
21 engineer, practices environmental health and meets the
22 educational qualifications of an environmental health
23 inspector.

24 "Environmental health practice" is the practice of
25 environmental health by licensed environmental health

1 practitioners within the meaning of this Act and includes, but
2 is not limited to, the following areas of professional
3 activities: milk and food sanitation; protection and
4 regulation of private water supplies; private waste water
5 management; domestic solid waste disposal practices;
6 institutional health and safety; and consultation and
7 education in these fields.

8 "Environmental health practitioner in training" means a
9 person licensed under this Act who meets the educational
10 qualifications of a licensed environmental health practitioner
11 and practices environmental health in support of and under the
12 general supervision of a licensed environmental health
13 practitioner or licensed professional engineer, but has not
14 passed the licensed environmental health practitioner
15 examination administered by the Department.

16 "License" means the authorization issued by the Department
17 permitting the person named on the authorization to practice
18 environmental health as defined in this Act.

19 "Licensed environmental health practitioner" is a person
20 who, by virtue of education and experience in the physical,
21 chemical, biological, and environmental health sciences, is
22 especially trained to organize, implement, and manage
23 environmental health programs, trained to carry out education
24 and enforcement activities for the promotion and protection of
25 the public health and environment, and is licensed as an
26 environmental health practitioner under this Act.

1 "Secretary" means the Secretary of Financial and
2 Professional Regulation.

3 (Source: P.A. 100-201, eff. 8-18-17.)

4 (225 ILCS 37/11 new)

5 Sec. 11. Address of record; email address of record. All
6 applicants and licensees shall:

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

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

15 (225 ILCS 37/18)

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

17 Sec. 18. Board of Environmental Health Practitioners. The
18 Board of Environmental Health Practitioners is created and
19 shall exercise its duties as provided in this Act. The Board
20 shall consist of 5 members appointed by the Secretary ~~Director~~.
21 Of the 5 members, 3 shall be environmental health
22 practitioners, one a Public Health Administrator who meets the
23 minimum qualifications for public health personnel employed by
24 full time local health departments as prescribed by the

1 Illinois Department of Public Health and is actively engaged in
2 the administration of a local health department within this
3 State, and one member of the general public. In making the
4 appointments to the Board, the Secretary ~~Director~~ shall
5 consider the recommendations of related professional and trade
6 associations including the Illinois Environmental Health
7 Association and the Illinois Public Health Association and of
8 the Director of Public Health. Each of the environmental health
9 practitioners shall have at least 5 years of full time
10 employment in the field of environmental health practice before
11 the date of appointment. Each appointee filling the seat of an
12 environmental health practitioner appointed to the Board must
13 be licensed under this Act.

14 The membership of the Board shall reasonably reflect
15 representation from the various geographic areas of the State.

16 A vacancy in the membership of the Board shall not impair
17 the right of a quorum to exercise all the rights and perform
18 all the duties of the Board.

19 The members of the Board are entitled to receive
20 reimbursement for ~~as compensation a reasonable sum as~~
21 ~~determined by the Director for each day actually engaged in the~~
22 ~~duties of the office and~~ all legitimate and necessary expenses
23 incurred in attending the meetings of the Board.

24 A member ~~Members~~ of the Board shall have no liability ~~be~~
25 ~~immune from suit~~ in any action based upon any disciplinary
26 proceedings or other activity ~~activities~~ performed in good

1 faith as a member ~~members~~ of the Board.

2 The Secretary ~~Director~~ may remove any member of the Board
3 for any cause that, in the opinion of the Secretary ~~Director~~,
4 reasonably justifies termination.

5 (Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00; 92-837,
6 eff. 8-22-02.)

7 (225 ILCS 37/19)

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

9 Sec. 19. Requirements of approval by Board of Environmental
10 Health Practitioners. The Secretary ~~Director~~ may consider the
11 recommendations of the Board in establishing guidelines for
12 professional conduct, for the conduct of formal disciplinary
13 proceedings brought under this Act, and for establishing
14 guidelines for qualifications and examinations of applicants.
15 Notice of proposed rulemaking shall be transmitted to the
16 Board. The Department shall review the response of the Board
17 and its recommendations. The Department, at any time, may seek
18 the expert advice and knowledge of the Board on any matter
19 relating to the administration or enforcement of this Act.

20 (Source: P.A. 89-61, eff. 6-30-95.)

21 (225 ILCS 37/31)

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

23 Sec. 31. Checks or orders dishonored. A person who issues
24 or delivers a check or other order to the Department that is

1 returned to the Department unpaid by the financial institution
2 upon which it is drawn shall pay to the Department, in addition
3 to the amount already owed to the Department, a fine of \$50.
4 The fines imposed by this Section are in addition to any other
5 discipline provided under this Act prohibiting unlicensed
6 practice or practice on a nonrenewed license. The Department
7 shall notify the person that payment of fees and fines shall be
8 paid to the Department by certified check or money order within
9 30 calendar days after notification. If, after the expiration
10 of 30 days from the date of the notification, the person fails
11 to submit the necessary remittance, the Department shall
12 automatically terminate the license or certification or deny
13 the application, without hearing. If, after termination or
14 denial, the person seeks a license or certificate, he or she
15 shall apply to the Department for restoration or issuance of a
16 license or certificate and pay all fees and fines due to the
17 Department. The Department may establish a fee for the
18 processing of an application for restoration of a license to
19 pay all costs and expenses of processing of this application.
20 The Secretary ~~Director~~ may waive the fines due under this
21 Section in individual cases where the Secretary ~~Director~~ finds
22 that the fines would be unnecessarily burdensome.

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

24 (225 ILCS 37/35)

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

1 Sec. 35. Grounds for discipline.

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

8 (1) Material misstatement in furnishing information to
9 the Department.

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

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

23 (4) Making any misrepresentation for the purpose of
24 obtaining a certificate of registration.

25 (5) Professional incompetence.

26 (6) Aiding or assisting another person in violating any

1 provision of this Act or its rules.

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

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

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

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

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

20 (12) 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 (13) Physical illness, including, but not limited to,
24 deterioration through the aging process or loss of motor
25 skills that result in the inability to practice the
26 profession with reasonable judgment, skill, or safety.

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

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

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

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

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

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

22 (b) The Department may refuse to issue or may suspend the
23 license of any person who fails to (i) file a return, (ii) pay
24 the tax, penalty, or interest shown in a filed return; or (iii)
25 pay any final assessment of the tax, penalty, or interest as
26 required by any tax Act administered by the Illinois Department

1 of Revenue until the requirements of the tax Act are satisfied.

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

12 (d) In enforcing this Section, the Department, upon a
13 showing of a possible violation, may compel any person licensed
14 to practice under this Act or who has applied for licensure or
15 certification pursuant to this Act to submit to a mental or
16 physical examination, or both, as required by and at the
17 expense of the Department. The examining physicians shall be
18 those specifically designated by the Department. The
19 Department may order the examining physician to present
20 testimony concerning this mental or physical examination of the
21 licensee or applicant. No information shall be excluded by
22 reason of any common law or statutory privilege relating to
23 communications between the licensee or applicant and the
24 examining physician. The person to be examined 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 any

1 person to submit to a mental or physical examination, when
2 directed, shall be grounds for suspension of a license until
3 the person submits to the examination if the Department finds,
4 after notice and hearing, that the refusal to submit to the
5 examination was without reasonable cause.

6 If the Department finds an individual unable to practice
7 because of the reasons set forth in this Section, the
8 Department may require that individual to submit to care,
9 counseling, or treatment by physicians approved or designated
10 by the Department, as a condition, term, or restriction for
11 continued, restored ~~reinstated~~, or renewed licensure to
12 practice or, in lieu of care, counseling, or treatment, the
13 Department may file a complaint to immediately suspend, revoke,
14 or otherwise discipline the license of the individual.

15 Any person whose license was granted, continued, restored
16 ~~reinstated~~, renewed, disciplined, or supervised subject to
17 such terms, conditions, or restrictions and who fails to comply
18 with such terms, conditions, or restrictions shall be referred
19 to the Secretary ~~Director~~ for a determination as to whether the
20 person shall have his or her license suspended immediately,
21 pending a hearing by the Department.

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

1 subject person's record of treatment and counseling regarding
2 the impairment, to the extent permitted by applicable federal
3 statutes and regulations safeguarding the confidentiality of
4 medical records.

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

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

11 (225 ILCS 37/60)

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

13 Sec. 60. Violations; injunctions; cease and desist order.

14 (a) If a person violates a provision of this Act, the
15 Secretary ~~Director~~ may, in the name of the People of the State
16 of Illinois, through the Attorney General of the State of
17 Illinois, petition for an order enjoining the violation or for
18 any order enforcing compliance with this Act. Upon the filing
19 of a verified petition in court, the court may issue a
20 temporary restraining order, without notice or bond, and may
21 preliminarily and permanently enjoin the violation. If it is
22 established that the person has violated or is violating the
23 injunction, the Court may punish the offender for contempt of
24 court. Proceedings under this Section are in addition to, and
25 not in lieu of, all other remedies and penalties provided by

1 this Act.

2 (b) (Blank). ~~If a person practices as an environmental~~
3 ~~health practitioner or holds himself or herself out as such~~
4 ~~without having a valid license under this Act, then a licensee,~~
5 ~~an interested party, or a person injured thereby may, in~~
6 ~~addition to the Director, petition for relief as provided in~~
7 ~~subsection (a) of this Section.~~

8 (c) Whenever in the opinion of the Department a person
9 violates a provision of this Act, the Department may issue a
10 rule to show cause why an order to cease and desist should not
11 be entered against him or her. The rule shall clearly set forth
12 the grounds relied upon by the Department and shall provide a
13 period of 7 days from the date of the rule to file an answer to
14 the satisfaction of the Department. Failure to answer to the
15 satisfaction of the Department shall cause an order to cease
16 and desist to be issued immediately.

17 (Source: P.A. 89-61, eff. 6-30-95.)

18 (225 ILCS 37/65)

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

20 Sec. 65. Investigation; notice; hearing. The Department
21 may investigate the actions of an applicant or a person or
22 persons holding or claiming to hold a license. Before refusing
23 to issue, refusing to renew, or taking any disciplinary action
24 regarding a license, the Department shall, at least 30 days
25 before the date set for the hearing, notify in writing the

1 applicant for, or holder of, a license of the nature of any
2 charges and that a hearing will be held on a date designated.
3 The Department shall direct the applicant or licensee to file a
4 written answer with the Board under oath within 20 days after
5 the service of the notice and inform the applicant or licensee
6 that failure to file an answer shall result in default being
7 taken against the applicant or licensee and that the license
8 may be suspended, revoked, or placed on probationary status, or
9 that other disciplinary action may be taken, including limiting
10 the scope, nature, or extent of practice, as the Secretary
11 ~~Director~~ may consider proper. Written notice may be served by
12 personal delivery, ~~or certified or registered mail,~~ or email to
13 the applicant or licensee respondent ~~at the address of~~ his or
14 her address of record or email address of record ~~last~~
15 ~~notification to the Department~~. If the person fails to file an
16 answer after receiving notice, his or her license or
17 certificate may, in the discretion of the Department, be
18 suspended, revoked, or placed on probationary status or the
19 Department may take any disciplinary action considered proper,
20 including limiting the scope, nature, or extent of the person's
21 practice or the imposition of a fine, without a hearing, if the
22 act or acts charged constitute sufficient grounds for such
23 action under this Act. At the time and place fixed in the
24 notice, the Board shall proceed to hear the charges and the
25 parties or their counsel shall be accorded ample opportunity to
26 present statements, testimony, evidence, and arguments as may

1 be pertinent to the charges or to their defense. The Board may
2 continue a hearing from time to time.

3 (Source: P.A. 89-61, eff. 6-30-95.)

4 (225 ILCS 37/70)

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

6 Sec. 70. Records of proceeding. The Department, at its
7 expense, shall preserve a record of all proceedings at the
8 formal hearing of any case. The notice of hearing, complaint,
9 and all other documents in the nature of pleadings, written
10 motions filed in the proceedings, transcripts of testimony,
11 reports of the Board and orders of the Department shall be in
12 the record of the proceedings. ~~The Department shall furnish a~~
13 ~~transcript of the record to any person interested in the~~
14 ~~hearing upon payment of the fee required under Section 2105-115~~
15 ~~of the Department of Professional Regulation Law (20 ILCS~~
16 ~~2105/2105-115).~~

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 (225 ILCS 37/75)

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

20 Sec. 75. Subpoenas; oaths; attendance of witnesses. The
21 Department has the power to subpoena and to bring before it any
22 person and to take testimony either orally or by deposition, or
23 both, with the same fees and mileage and in the same manner as
24 prescribed in civil cases in the courts of this State.

1 The Secretary ~~Director~~, the designated hearing officer,
2 and every member of the Board has the power to administer oaths
3 to witnesses at any hearing that the Department is authorized
4 to conduct and any other oaths authorized in any Act
5 administered by the Department.

6 (Source: P.A. 89-61, eff. 6-30-95.)

7 (225 ILCS 37/80)

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

9 Sec. 80. Recommendations for disciplinary action. At the
10 conclusion of the hearing, the Board shall present to the
11 Secretary ~~Director~~ a written report of its findings and
12 recommendations. The report shall contain a finding whether or
13 not the licensee violated this Act or failed to comply with the
14 conditions required in this Act. The Board shall specify the
15 nature of the violation or failure to comply and shall make its
16 recommendations to the Secretary ~~Director~~.

17 The report of findings, conclusions of law, and
18 recommendations of the Board shall be the basis for the
19 Department's order for refusal to issue or for the granting of
20 a license or for any disciplinary action. If the Secretary
21 ~~Director~~ disagrees with the recommendation of the Board, the
22 Secretary ~~Director~~ may issue an order in contravention of the
23 Board's report. The finding is not admissible in evidence
24 against the person in a criminal prosecution brought for
25 violation of this Act, but the hearing and findings are not a

1 bar to criminal prosecution brought for violation of this Act.

2 (Source: P.A. 89-61, eff. 6-30-95.)

3 (225 ILCS 37/85)

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

5 Sec. 85. Rehearing. In any hearing involving disciplinary
6 action against an applicant or licensee, a copy of the Board's
7 report shall be served upon the applicant or licensee by the
8 Department, either personally or as provided in this Act for
9 the service of the notice of hearing. Within 20 calendar days
10 after service, the applicant or licensee may present to the
11 Department a motion in writing for a rehearing that shall
12 specify the particular grounds for rehearing. If no motion for
13 rehearing is filed, then upon the expiration of the time
14 specified for filing a motion, or if a motion for rehearing is
15 denied, then upon denial, the Secretary ~~Director~~ may enter an
16 order in accordance with recommendations of the Board, except
17 as provided in this Act. If the applicant or licensee orders
18 from the reporting service, and pays for a transcript of the
19 record within the time for filing a motion for rehearing, the
20 20 calendar day period within which a motion may be filed shall
21 commence upon the delivery of the transcript to the respondent.

22 (Source: P.A. 88-670, eff. 12-2-94; 89-61, eff. 6-30-95.)

23 (225 ILCS 37/90)

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

1 Sec. 90. Rehearing ~~Hearing by other examiner~~. Whenever the
2 Secretary ~~Director~~ is not satisfied that substantial justice
3 has been done in the revocation, suspension, or refusal to
4 issue or renew a license, the Secretary ~~Director~~ may order a
5 rehearing by the same or other examiners.

6 (Source: P.A. 88-683, eff. 1-24-95; 89-61, eff. 6-30-95;
7 89-626, eff. 8-9-96.)

8 (225 ILCS 37/95)

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

10 Sec. 95. Appointment of hearing officer. The Secretary
11 ~~Director~~ has the authority to appoint any attorney duly
12 licensed to practice law in the State of Illinois to serve as
13 the hearing officer in any action for Departmental refusal to
14 issue a license, renew a license, or to discipline a licensee.
15 The hearing officer has full authority to conduct the hearing.
16 At least one member of the Board shall attend each hearing. The
17 hearing officer shall report the findings of fact, conclusions
18 of law, and recommendations to the Board and the Secretary
19 ~~Director~~. The Board has 60 calendar days from receipt of the
20 report to review the report of the hearing officer and present
21 its findings of fact, conclusions of law, and recommendations
22 to the Secretary ~~Director~~. If the Board fails to present its
23 report within the 60 calendar day period, the Secretary
24 ~~Director~~ may issue an order based on the report of the hearing
25 officer. If the Secretary ~~Director~~ disagrees with the

1 recommendation of the Board or the hearing officer, the
2 Secretary ~~Director~~ may issue an order in contravention of the
3 recommendation.

4 (Source: P.A. 89-61, eff. 6-30-95.)

5 (225 ILCS 37/100)

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

7 Sec. 100. Order or certified copy. An order or a certified
8 copy thereof, over the seal of the Department and purporting to
9 be signed by the Secretary ~~Director~~, shall be prima facie proof
10 that:

11 (1) the signature is the genuine signature of the Secretary
12 ~~Director~~;

13 (2) the Secretary ~~Director~~ is duly appointed and qualified;
14 and

15 (3) the Board and its members are qualified to act.

16 (Source: P.A. 89-61, eff. 6-30-95.)

17 (225 ILCS 37/105)

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

19 Sec. 105. Restoration of suspended or revoked license. At
20 any time after the suspension or revocation of any license, the
21 Department may restore the license to the accused person upon
22 the written recommendation of the Board, unless after an
23 investigation and a hearing the Board determines that
24 restoration is not in the public interest. No person whose

1 license has been revoked as authorized in this Act may apply
2 for restoration of that license until such time as provided for
3 in the Department of Professional Regulation Law of the Civil
4 Administrative Code of Illinois.

5 A license that has been suspended or revoked shall be
6 considered nonrenewed for purposes of restoration and a person
7 restoring his or her license from suspension or revocation must
8 comply with the requirements for restoration of a nonrenewed
9 license as set forth in Section 15 of this Act and any related
10 rules adopted.

11 (Source: P.A. 89-61, eff. 6-30-95.)

12 (225 ILCS 37/115)

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

14 Sec. 115. Temporary suspension. The Secretary ~~Director~~ may
15 summarily suspend the license of an environmental health
16 practitioner without a hearing, simultaneously with the
17 initiation of proceedings for a hearing provided for in this
18 Act, if the Secretary ~~Director~~ finds that evidence in his or
19 her possession indicates that an environmental health
20 practitioner's continuation in practice would constitute an
21 imminent danger to the public. In the event that the Secretary
22 ~~Director~~ summarily suspends the license of an environmental
23 health practitioner without a hearing, a hearing by the Board
24 must be commenced ~~held~~ within 30 calendar days after the
25 suspension has occurred.

1 (Source: P.A. 89-61, eff. 6-30-95.)

2 (225 ILCS 37/123 new)

3 Sec. 123. Confidentiality. All information collected by
4 the Department in the course of an examination or investigation
5 of a licensee, registrant, or applicant, including, but not
6 limited to, any complaint against a licensee or registrant
7 filed with the Department and information collected to
8 investigate any such complaint, shall be maintained for the
9 confidential use of the Department and shall not be disclosed.
10 The Department may not disclose the information to anyone other
11 than law enforcement officials, other regulatory agencies that
12 have an appropriate regulatory interest as determined by the
13 Secretary, or a party presenting a lawful subpoena to the
14 Department. Information and documents disclosed to a federal,
15 State, county, or local law enforcement agency shall not be
16 disclosed by the agency for any purpose to any other agency or
17 person. A formal complaint filed against a licensee,
18 registrant, or applicant by the Department or any order issued
19 by the Department against a licensee, registrant, or applicant
20 shall be a public record, except as otherwise prohibited by
21 law.

22 (225 ILCS 37/125)

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

24 Sec. 125. Certification of record; costs ~~records~~. The

1 Department shall not be required to certify a record to the
2 court or file an answer in court or otherwise appear in a court
3 in a judicial review proceeding, unless and until the
4 Department has received from the plaintiff payment of the costs
5 of furnishing and certifying the record, which costs shall be
6 determined by the Department. Exhibits shall be certified
7 without cost. Failure on the part of the plaintiff to file a
8 receipt in court shall be grounds for dismissal of the action.

9 ~~The Department shall not be required to certify any record to~~
10 ~~the court, to file any answer in court, or otherwise appear in~~
11 ~~any court in a judicial review proceeding, unless there is~~
12 ~~filed in the court, with the complaint, a receipt from the~~
13 ~~Department acknowledging payment of the costs of furnishing and~~
14 ~~certifying the record. Failure on the part of the plaintiff to~~
15 ~~file the receipt in court shall be grounds for dismissal of the~~
16 ~~action.~~

17 (Source: P.A. 89-61, eff. 6-30-95.)

18 (225 ILCS 37/130)

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

20 Sec. 130. Illinois Administrative Procedure Act. The
21 Illinois Administrative Procedure Act is expressly adopted and
22 incorporated in this Act as if all of the provisions of that
23 Act were included in this Act, except that the provision of
24 paragraph (c) of Section 10-65 of the Illinois Administrative
25 Procedure Act, which provides that at hearings the certificate

1 holder has the right to show compliance with all lawful
2 requirements for retention, continuation, or renewal of the
3 certificate, is specifically excluded. For the purpose of this
4 Act, the notice required under Section 10-25 of the Illinois
5 Administrative Procedure Act is deemed sufficient when mailed
6 or emailed to the applicant or licensee at his or her last
7 known address of record or email address of record ~~last known~~
8 ~~address of a party.~~

9 (Source: P.A. 99-642, eff. 7-28-16.)

10 (225 ILCS 37/45 rep.)

11 Section 15. The Environmental Health Practitioner
12 Licensing Act is amended by repealing Section 45.

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

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 80/4.29
- 4 5 ILCS 80/4.39 new
- 5 225 ILCS 37/10
- 6 225 ILCS 37/11 new
- 7 225 ILCS 37/18
- 8 225 ILCS 37/19
- 9 225 ILCS 37/31
- 10 225 ILCS 37/35
- 11 225 ILCS 37/60
- 12 225 ILCS 37/65
- 13 225 ILCS 37/70
- 14 225 ILCS 37/75
- 15 225 ILCS 37/80
- 16 225 ILCS 37/85
- 17 225 ILCS 37/90
- 18 225 ILCS 37/95
- 19 225 ILCS 37/100
- 20 225 ILCS 37/105
- 21 225 ILCS 37/115
- 22 225 ILCS 37/123 new
- 23 225 ILCS 37/125
- 24 225 ILCS 37/130
- 25 225 ILCS 37/45 rep.