

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.28 and 4.37 as follows:

(5 ILCS 80/4.28)

Sec. 4.28. Acts repealed on January 1, 2018. The following Acts are repealed on January 1, 2018:

The Illinois Petroleum Education and Marketing Act.

The Podiatric Medical Practice Act of 1987.

The Acupuncture Practice Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Nurse Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Pharmacy Practice Act.

The Home Medical Equipment and Services Provider License Act.

~~The Marriage and Family Therapy Licensing Act.~~

The Nursing Home Administrators Licensing and Disciplinary Act.

The Physician Assistant Practice Act of 1987.

(Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff. 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09.)

(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027.
The following ~~Acts~~ are repealed on January 1, 2027:

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

The Boiler and Pressure Vessel Repairer Regulation Act.

The Marriage and Family Therapy Licensing Act.

(Source: P.A. 99-572, eff. 7-15-16; 99-909, eff. 12-16-16; 99-910, eff. 12-16-16; 99-911, eff. 12-16-16; revised 1-3-17.)

Section 10. The Marriage and Family Therapy Licensing Act is amended by changing Sections 10, 15, 20, 25, 30, 40, 45, 65, 70, 75, 80, 85, 91, 95, 100, 115, 125, 135, 145, 150, 155, 156, 165, and 170 and by adding Section 10.5 as follows:

(225 ILCS 55/10) (from Ch. 111, par. 8351-10)

(Section scheduled to be repealed on January 1, 2018)

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

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's ~~application file or~~ license file maintained by the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.~~

"Advertise" means, but is not limited to, issuing or causing to be distributed any card, sign or device to any person; or causing, permitting or allowing any sign or marking on or in any building, structure, newspaper, magazine or directory, or on radio or television; or advertising by any other means designed to secure public attention.

"Approved program" means an approved comprehensive program of study in marriage and family therapy in a regionally accredited educational institution approved by the Department for the training of marriage and family therapists.

"Associate licensed marriage and family therapist" means a person to whom an associate licensed marriage and family therapist license has been issued under this Act.

"Board" means the Illinois Marriage and Family Therapy Licensing and Disciplinary Board.

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

"Email address of record" means the designated email

address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"First qualifying degree" means the first master's or doctoral degree, as described in paragraph (1) of subsection (b) of Section 40, that an applicant for licensure received.

"License" means that which is required to practice marriage and family therapy under this Act, the qualifications for which include specific education, acceptable experience and examination requirements.

"Licensed marriage and family therapist" means a person to whom a marriage and family therapist license has been issued under this Act.

"Marriage and family therapy" means the evaluation and treatment of mental and emotional problems within the context of human relationships. Marriage and family therapy involves the use of psychotherapeutic methods to ameliorate interpersonal and intrapersonal conflict and to modify perceptions, beliefs and behavior in areas of human life that include, but are not limited to, premarriage, marriage, sexuality, family, divorce adjustment, and parenting.

"Person" means any individual, firm, corporation, partnership, organization, or body politic.

"Practice of marriage and family therapy" means the rendering of marriage and family therapy services to individuals, couples, and families as defined in this Section,

either singly or in groups, whether the services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

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

"Title or description" means to hold oneself out as a licensed marriage and family therapist or an associate licensed marriage and family therapist to the public by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification.

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

(225 ILCS 55/10.5 new)

Sec. 10.5. Address of record; email address of record. All applicants and licensees shall:

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

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

(225 ILCS 55/15) (from Ch. 111, par. 8351-15)

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

Sec. 15. Exemptions.

(a) Nothing contained in this Act shall restrict any person not licensed under this Act from performing marriage and family therapy if that person does not represent himself or herself as a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".

(b) Nothing in this Act shall be construed as permitting persons licensed as marriage and family therapists and associate licensed marriage and family therapists to engage in any manner in the practice of medicine as defined in the laws of this State.

(c) Nothing in this Act shall be construed to prevent qualified members of other professional groups, including but not limited to clinical psychologists, social workers, counselors, attorneys at law, or psychiatric nurses, from performing or advertising that they perform the work of a marriage and family therapist consistent with the laws of this State, their training, and any code of ethics of their respective professions, provided they do not represent themselves by any title or description as a licensed marriage and family therapist or an associate licensed marriage and family therapist.

(d) Nothing in this Act shall be construed to prevent any person from the bona fide practice of the doctrines of an established church or religious denomination if the person does

not hold himself or herself out to be a licensed marriage and family therapist or an associate licensed marriage and family therapist.

(e) Nothing in this Act shall prohibit self-help groups or programs or not-for-profit organizations from providing services so long as these groups, programs, or organizations do not hold themselves out as practicing or being able to practice marriage and family therapy.

(f) This Act does not prohibit:

(1) A person from practicing marriage and family therapy as part of his or her duties as an employee of a recognized academic institution, or a federal, State, county, or local governmental institution or agency while performing those duties for which he or she was employed by the institution, agency or facility.

(2) A person from practicing marriage and family therapy as part of his or her duties as an employee of a nonprofit organization consistent with the laws of this State, his or her training, and any code of ethics of his or her respective professions, provided the person does not represent himself or herself as a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".

(3) A person from practicing marriage and family therapy if the person is obtaining experience for licensure as a marriage and family therapist, provided the person is

designated by a title that clearly indicates training status.

(4) A person licensed in this State under any other Act from engaging the practice for which he or she is licensed.

(5) A person from practicing marriage and family therapy if the person is a marriage and family therapist regulated under the laws of another State, territory of the United States or country and who has applied in writing to the Department, on forms prepared and furnished by the Department, for licensing as a marriage and family therapist and who is qualified to receive a license ~~registration~~ under Section 40 until the expiration of 6 months after the filing of the written application, the withdrawal of the application, a notice of intent to deny the application, or the denial of the application by the Department.

(Source: P.A. 91-362, eff. 1-1-00.)

(225 ILCS 55/20) (from Ch. 111, par. 8351-20)

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

Sec. 20. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers, and duties:

(a) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and

qualified.

(b) Adopt ~~Prescribe~~ rules required for the administration of this Act, including, but not limited to, rules for a method of examination of candidates and for determining approved graduate programs.

(b-5) Prescribe forms to be issued for the administration and enforcement of this Act consistent with and reflecting the requirements of this Act and rules adopted pursuant to this Act ~~rules for determining approved graduate programs and prepare and maintain a list of colleges and universities offering approved programs.~~

(c) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, or reprimand persons licensed under the provisions of this Act ~~or refuse to issue licenses.~~

(d) Conduct investigations related to possible violations ~~Promulgate rules required for the administration of this Act.~~

The Board may make recommendations on matters relating to continuing education, including the number of hours necessary for license renewal, waivers for those unable to meet the requirements, and acceptable course content.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 55/25) (from Ch. 111, par. 8351-25)

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

Sec. 25. Marriage and Family Therapy Licensing and Disciplinary Board.

(a) The Secretary shall appoint a ~~There is established within the Department the Marriage and Family Therapy Licensing and Disciplinary Board to be appointed by the Secretary.~~ The Board shall be composed of 7 persons who shall serve in an advisory capacity to the Secretary. The Board shall annually elect a chairperson and a vice chairperson.

(b) In appointing members of the Board, the Secretary shall give due consideration to recommendations by members of the profession of marriage and family therapy and by the statewide organizations solely representing the interests of marriage and family therapists.

(c) Five members of the Board shall be marriage and family therapists who have been in active practice for at least 5 years immediately preceding their appointment, or engaged in the education and training of masters, doctoral, or post-doctoral students of marriage and family therapy, or engaged in marriage and family therapy research. Each marriage or family therapy teacher or researcher shall have spent the majority of the time devoted to the study or research of marriage and family therapy during the 2 years immediately preceding his or her appointment to the Board. The appointees shall be licensed under this Act.

(d) Two members shall be representatives of the general public who have no direct affiliation or work experience with

the practice of marriage and family therapy and who clearly represent consumer interests.

(e) Board members shall be appointed for terms of 4 years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Board member whom he or she shall succeed. Upon the expiration of this term of office, a Board member shall continue to serve until a successor is appointed and qualified. No member shall serve more than 2 consecutive 4-year terms ~~be reappointed to the Board for a term that would cause continuous service on the Board to be longer than 8 years.~~

(f) The membership of the Board shall reasonably reflect representation from the various geographic areas of the State.

(g) Members of the Board shall have no liability ~~be immune from suit~~ in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(h) The Secretary may remove any member of the Board for any cause that, in the opinion of the Secretary, reasonably justifies termination.

(i) The Secretary may consider the recommendations of the Board on questions of standards of professional conduct, discipline, and qualification of candidates or licensees under this Act.

(j) The members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

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

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

(225 ILCS 55/30) (from Ch. 111, par. 8351-30)

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

Sec. 30. Application.

(a) Applications for original licensure shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the appropriate documentation and the required fee, which shall not be refundable ~~fee is nonrefundable~~. Any application shall require such information as, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for licensing.

(b) Applicants have 3 years from the date of application to complete the application process. If the application has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(c) A license shall not be denied to an applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability

to practice with reasonable judgment, skill, or safety.

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

(225 ILCS 55/40) (from Ch. 111, par. 8351-40)

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

Sec. 40. Qualifications for licensure.

(a) A person is qualified for licensure as a marriage and family therapist if that person:

(1) is at least 21 years of age;

(2) has applied in writing on forms prepared and furnished by the Department;

(3) (blank);

(4) (blank); ~~has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 85 of this Act;~~

(5) satisfies the education and experience requirements of subsection (b) of this Section; and

(6) passes a written examination authorized by the Department.

(b) Any person who applies to the Department shall be issued a marriage and family therapist license by the Department if the person meets the qualifications set forth in subsection (a) of this Section and provides evidence to the Department that the person:

(1) holds a master's or doctoral degree in marriage and family therapy approved by the Department from a regionally

accredited educational institution; holds a master's or doctoral degree from a regionally accredited educational institution in marriage and family therapy or in a related field with an equivalent course of study in marriage and family therapy that is recommended by the Board and approved by the Department; or holds a master's or doctoral degree from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education ~~commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapists;~~

(2) following the receipt of the first qualifying degree, has at least 2 years of experience, as defined by rule, in the practice of marriage and family therapy, including at least 1,000 hours of face-to-face contact with couples and families for the purpose of evaluation and treatment;

(3) has completed at least 200 hours of supervision of marriage and family therapy, as defined by rule.

(c) Any person who applies to the Department shall be issued a temporary license as an associate licensed marriage and family therapist by the Department if the person meets the qualifications set forth in subsection (a) (1), (2), and (4) of this Section and provides evidence to the Department that the person meets the qualifications set forth in subsection (b) (1) of this Section. A person granted licensure as an associate

licensed marriage and family therapist is eligible to sit for the written examination specified in paragraph (6) of subsection (a) of this Section. The license as an associate licensed marriage and family therapist shall not be valid for more than 5 years.

An associate licensed marriage and family therapist may not practice independently and must be clinically supervised by a licensed marriage and family therapist or equivalent as defined by rule.

An associate licensed marriage and family therapist may petition the Department for a marriage and family therapist license upon completion of the requirements in subsections (a) and (b).

(Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

(225 ILCS 55/45) (from Ch. 111, par. 8351-45)

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

Sec. 45. Licenses; renewals; restoration; person in military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a condition for renewal of a license, the licensee shall be required to complete continuing education under requirements set forth in rules of the Department.

(b) Any person who has permitted his or her license to expire may have his or her license restored by making

application to the Department and filing proof acceptable to the Department of fitness to have his or her license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, complying with any continuing education requirements, and paying the required restoration fee.

(c) If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require the person to complete a period of evaluated clinical experience and successful completion of a practical examination.

However, any person whose license expired while he or she has been engaged (i) in federal service on active duty with the Armed Forces of the United States or called into service or training with the State Militia, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of the service, training or education, except under condition other than honorable, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that the service, training, or education has been so terminated.

(d) Any person who notifies the Department, in writing on forms prescribed by the Department, may place his or her license on inactive status and shall be excused from the payment of renewal fees until the person notifies the Department in writing of the intention to resume active practice.

(e) Any person requesting his or her license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements.

(f) Any marriage and family therapist or associate licensed marriage and family therapist whose license is nonrenewed or on inactive status shall not engage in the practice of marriage and family therapy in the State of Illinois and use the title or advertise that he or she performs the services of a "licensed marriage and family therapist" or an "associate licensed marriage and family therapist".

(g) Any person violating subsection (f) of this Section shall be considered to be practicing without a license and will be subject to the disciplinary provisions of this Act.

(h) (Blank).

(Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

(225 ILCS 55/65) (from Ch. 111, par. 8351-65)

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

Sec. 65. Endorsement. The Department may issue a license as

a licensed marriage and family therapist, without the required examination, to an applicant licensed under the laws of another state if the requirements for licensure in that state are, on the date of licensure, substantially equivalent ~~equal~~ to the requirements of this Act or to a person who, at the time of his or her application for licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay all of the required fees.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within the 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 55/70) (from Ch. 111, par. 8351-70)

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

Sec. 70. Privileged communications and exceptions.

(a) No licensed marriage and family therapist or associate licensed marriage and family therapist shall disclose any information acquired from persons consulting the marriage and family therapist or associate licensed marriage and family therapist in a professional capacity, except that which may be voluntarily disclosed under the following circumstances:

(1) In the course of formally reporting, conferring, or

consulting with administrative superiors, colleagues, or consultants who share professional responsibility, in which instance all recipients of the information are similarly bound to regard the communications as privileged;

(2) With the written consent of the person who provided the information;

(3) In case of death or disability, with the written consent of a personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(4) When a communication reveals the intended commission of a crime or harmful act and the disclosure is judged necessary by the licensed marriage and family therapist or associate licensed marriage and family therapist to protect any person from a clear, imminent risk of serious mental or physical harm or injury, or to forestall a serious threat to the public safety; or

(5) When the person waives the privilege by bringing any public charges, criminal, or civil, against the licensee.

(b) Any person having access to records or any one who participates in providing marriage and family therapy services or who, in providing any human services, is supervised by a licensed marriage and family therapist, is similarly bound to regard all information and communications as privileged in

accord with this Section.

(c) The Mental Health and Developmental Disabilities Confidentiality Act is incorporated in this Act as if all of its provisions were included in this Act.

(Source: P.A. 91-362, eff. 1-1-00.)

(225 ILCS 55/75) (from Ch. 111, par. 8351-75)

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

Sec. 75. License restrictions and limitations. No business organization ~~association, partnership, or professional limited liability company~~ shall provide, attempt to provide, or offer to provide marriage and family therapy services unless every member, partner, shareholder, director, officer, holder of any other ownership interest, agent, and employee of the association, partnership, or professional limited liability company who practices marriage and family therapy or who renders marriage and family therapy services holds a currently valid ~~current~~ license issued under this Act. No business shall be created that (1) has a stated purpose that includes marriage and family therapy, or (2) practices or holds itself out as available to practice ~~provide, attempt to provide, or offer to provide~~ marriage and family therapy, ~~services~~ unless it is organized under the Professional Service Corporation Act or Professional Limited Liability Company Act. Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to

practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

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

(225 ILCS 55/80) (from Ch. 111, par. 8351-80)

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

Sec. 80. Roster. The Department shall maintain a roster of names and addresses of all persons who hold valid licenses under this Act ~~and all persons whose licenses have been suspended or revoked within the previous year~~. This roster shall be available upon request and payment of the required fee.

(Source: P.A. 87-783.)

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

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

Sec. 85. Refusal, revocation, or suspension.

(a) The Department may refuse to issue or renew a license, or may revoke ~~a license~~, ~~or may~~ suspend, reprimand, place on probation, ~~fine~~, or take any other disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines not to exceed \$10,000 for each violation, with regard to any license issued under the provisions of this Act ~~licensee~~ for any one or combination of

the following grounds ~~causes~~:

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

(2) Violation ~~Violations~~ of any provision of this Act or its rules.

(3) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, ~~to any crime that is a felony~~ under the laws of any jurisdiction of the United States that is (i) a felony or (ii) or any state or territory thereof or a misdemeanor, of which an essential element of which is dishonesty or that is directly related to the practice of the profession.

(4) Fraud or ~~Making any~~ misrepresentation in applying for or procuring ~~for the purpose of obtaining~~ a license under this Act or in connection with applying for renewal or restoration of a license under ~~or violating any provision of~~ this Act or its rules.

(5) Professional incompetence.

(6) Gross negligence in practice under this Act.

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

(8) Failing, within 60 ~~30~~ days, to provide information in response to a written request made by the Department.

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

(10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of ~~addiction to~~ alcohol, ~~narcotics, stimulants,~~ or any other substance ~~chemical agent or drug~~ that results in the inability to practice with reasonable judgment, skill, or safety.

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

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act.

Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered.

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

(14) Abandonment of a patient without cause.

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

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

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

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

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

(20) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act. ~~A finding that licensure has been applied for or obtained by fraudulent means.~~

(21) Practicing under a false or assumed name, except as provided by law. ~~or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.~~

(22) Gross, willful, and continued overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered.

(23) Failure to establish and maintain records of patient care and treatment as required by law.

(24) Cheating on or attempting to subvert the licensing examinations administered under this Act.

(25) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

(26) Being named as an abuser in a verified report by the Department on Aging and under the Adult Protective Services Act and upon proof by clear and convincing evidence that the licensee abused, neglected, or

financially exploited an eligible adult as defined in the Adult Protective Services Act.

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

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

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

(e) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, licensed marriage and family therapists, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

The Department may order the examining physician or any

member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed.

The Department or Board may order the examining physician or any member of the multidisciplinary team to present testimony concerning the mental or physical examination of the licensee or applicant. No information, report, record, or other documents in any way related to the examination shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. ~~The examining physicians shall be specifically designated by the Board or Department.~~

The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

Failure of an individual to submit to a mental or physical examination, when ordered ~~directed~~, shall result in an

~~automatic be grounds for~~ suspension of his or her license until the individual submits to the examination ~~if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.~~

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

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the

subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

(f) A fine shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

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

(225 ILCS 55/91)

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

Sec. 91. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a licensed marriage and family therapist or an associate licensed marriage and family therapist without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the

provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

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

(225 ILCS 55/95) (from Ch. 111, par. 8351-95)

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

Sec. 95. Investigation; notice and hearing.

(a) The Department may investigate the actions or qualifications of any person or persons holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, ~~Before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license,~~ at least 30 days before the date set for the hearing, ~~the Department shall~~ (i) notify the accused in writing of any charges made and the time and place for a hearing on the charges ~~before the Board,~~ (ii) direct him or her to file a written answer to the charges ~~with the Board~~ under oath within

20 days after the service on him or her of such notice, and (iii) inform the applicant or licensee that failure to ~~him or her that if he or she fails to~~ file an answer will result in a ~~default being entered against the applicant or licensee~~ will be ~~taken against him or her and his or her license may be~~ suspended, revoked, placed on probationary status, or other ~~disciplinary action taken with regard to the license, including~~ limiting the scope, nature, or extent of his or her practice, ~~as the Department may deem proper.~~

(c) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board or hearing officer may continue the hearing from time to time. In case the person, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Secretary having first received the recommendation of the Board, ~~Department,~~ be suspended, revoked, placed on probationary status, or be subject to ~~the Department may take~~ whatever disciplinary action the Secretary considers ~~deemed~~ proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(d) Written or electronic notice, and any notice in the

subsequent proceeding, may be served by personal delivery, email, or by ~~registered or certified~~ mail to the applicant or licensee at his or her ~~last~~ address of record or email address of record. ~~with the Department. In case the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The written answer shall be served by personal delivery, certified delivery, or certified or registered mail to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue such hearing from time to time. At the discretion of the Secretary after having first received the recommendation of the Board, the accused person's license may be suspended or revoked, if the evidence constitutes sufficient grounds for such action under this Act.~~

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

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

Sec. 100. Record of proceeding. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be in the record of the proceedings. The Department shall furnish a copy ~~transcript~~ of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

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

(225 ILCS 55/115) (from Ch. 111, par. 8351-115)

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

Sec. 115. Hearing; motion for rehearing ~~Rehearing~~.

(a) The Board or the hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of

the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, ~~In any hearing involving disciplinary action against a licensee,~~ a copy of the Board's or hearing officer's report shall be served upon the applicant or licensee ~~respondent~~ by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after service, the applicant or licensee ~~respondent~~ may present to the Department a motion in writing for a rehearing that shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, ~~or if a motion for rehearing is denied, then~~ upon denial of a motion for rehearing, the Secretary may enter an order in accordance with recommendations of the Board or hearing officer, ~~except as provided in this Act.~~ If the applicant or licensee ~~respondent~~ orders from the reporting service, and pays for, a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee ~~respondent~~.

(c) If the Secretary disagrees in any regard with the

report of the Board, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a rehearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

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

(225 ILCS 55/125) (from Ch. 111, par. 8351-125)

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

Sec. 125. Appointment of a hearing officer. Notwithstanding any other provision of this Act, the ~~The~~ Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license, or to discipline a licensee. The hearing officer shall have ~~has~~ full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law, and recommendations to the Board and the Secretary. ~~The Board has 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 calendar~~

~~day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. If the Secretary disagrees with~~

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

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

(225 ILCS 55/135) (from Ch. 111, par. 8351-135)

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

Sec. 135. Restoration. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore the license to the licensee ~~accused person~~, upon the written recommendation of the Board, unless after an investigation and a hearing the Board or Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring his or her license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license or permit until such time as provided for in the Civil Administrative Code of Illinois.

(Source: P.A. 87-783.)

(225 ILCS 55/145) (from Ch. 111, par. 8351-145)

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

Sec. 145. Summary suspension. The Secretary may summarily suspend the license of a marriage and family therapist or an associate licensed marriage and family therapist without a

hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary finds that evidence in his or her possession indicates that a marriage and family therapist's or associate licensed marriage and family therapist's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of a marriage and family therapist or an associate licensed marriage and family therapist without a hearing, a hearing by the Board or Department must be held within 30 calendar days after the suspension has occurred.

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

(225 ILCS 55/150) (from Ch. 111, par. 8351-150)

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

Sec. 150. Administrative ~~Judicial~~ review. All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

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

(Source: P.A. 87-783.)

(225 ILCS 55/155) (from Ch. 111, par. 8351-155)

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

Sec. 155. Certification of records. The Department shall not be required to certify any record to the court ~~Court~~ or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff ~~there is filed in the court, with the complaint, a receipt from the Department acknowledging~~ payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file such receipt in Court shall be grounds for dismissal of the action.

(Source: P.A. 87-783.)

(225 ILCS 55/156)

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

Sec. 156. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall ~~may~~ not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting

a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

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

(225 ILCS 55/165) (from Ch. 111, par. 8351-165)

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

Sec. 165. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license ~~certificate~~, is specifically excluded. ~~For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.~~

(Source: P.A. 90-61, eff. 12-30-97.)

(225 ILCS 55/170) (from Ch. 111, par. 8351-170)

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

Sec. 170. Home rule. The regulation and licensing of marriage and family therapists and associate licensed marriage and family therapists are exclusive powers and functions of the State. A home rule unit may not regulate or license marriage and family therapists or associate marriage and family therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 91-362, eff. 1-1-00.)

Section 15. The Youth Mental Health Protection Act is amended by changing Section 15 as follows:

(405 ILCS 48/15)

Sec. 15. Definitions. For the purposes of this Act:

"Mental health provider" means a clinical psychologist licensed under the Clinical Psychology Licensing Act; a school psychologist as defined in the School Code; a psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code; a clinical social worker or social worker licensed under the Clinical Social Work and Social Work Practice Act; a marriage and family therapist or associate licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act; a professional counselor or clinical professional counselor licensed under

the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act; or any students, interns, volunteers, or other persons assisting or acting under the direction or guidance of any of these licensed professionals.

"Sexual orientation change efforts" or "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation, as defined by subsection (O-1) of Section 1-103 of the Illinois Human Rights Act, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex. "Sexual orientation change efforts" or "conversion therapy" does not include counseling or mental health services that provide acceptance, support, and understanding of a person without seeking to change sexual orientation or mental health services that facilitate a person's coping, social support, and gender identity exploration and development, including sexual orientation neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change sexual orientation.

(Source: P.A. 99-411, eff. 1-1-16.)

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