**Section 405.140 Suspension, Revocation and Denial of Certification**

a) The Agency may act to suspend or revoke an individual's certification or refuse to issue or renew certification, for any one or a combination of the following causes:

1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial certification or renewal of certification if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;

2) Knowingly making a false material statement to an Agency employee during the course of official Agency business;

3) Knowingly falsifying records of employees when such falsification would impair the Agency's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;

4) Willfully evading the statute or regulations pertaining to certification, or willfully aiding another person in evading such statute or regulations pertaining to certification;

5) Performing procedures under, or representing as valid to any person, a certification issued by the Agency containing on its face unauthorized alterations or changes that are inconsistent with Agency records regarding the issuance of that certification;

6) Performing procedures under, or representing as valid to any person, a credential not issued by the Agency to prove certification in Illinois;

7) Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless the individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust;

8) Exhibiting significant or repeated incompetence in the performance of industrial radiography duties;

9) Having a physical or mental illness or disability that results in the individual's inability to perform industrial radiography duties with reasonable judgment, skill and safety;

10) Performing industrial radiography in such a manner that requirements of 32 Ill. Adm. Code 350 are violated resulting in a threat to health and safety of the individual, other workers or the public;

11) Having an actual or potential inability to perform industrial radiography duties with reasonable judgment, skill and safety due to the use of alcohol, narcotics or stimulants;

12) Having had a similar certification suspended or revoked if the grounds for that suspension or revocation are the same or equivalent to one or more grounds for suspension or revocation as set forth in this subsection (a);

13) Failure to maintain the out-of-state certification upon which certification by reciprocity was issued;

14) Failure to repay educational loans guaranteed by the Illinois Student Assistance Commission, as provided in 20 ILCS 3310/80;

15) Failure to meet child support orders, as provided in 5 ILCS 100/10-65; and

16) Failure to pay a fee or civil penalty properly assessed by the Agency.

b) If, based upon any of the grounds in subsection (a) of this Section, the Agency determines that action to suspend or revoke certification, or refusal to issue or renew certification, is warranted, the Agency shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke an individual's certification unless the Agencyfinds that an immediate suspension of certification is required to protect against immediate danger to the public health or safety (see 420 ILCS 40/38), in which case the Agency shall suspend an individual's certification pending a hearing. The Agency shall revoke or suspend, or shall refuse to issue or renew certification under subsection (a)(15) of this Section *based solely upon the certification of delinquency made by the Illinois Department of Healthcare and Family Services (or successor agency) or the certification of violation made by the court. Further process, hearing, or redetermination of the delinquency or violation by the Agency shall not be required. The Agency may issue or renew a certification if the individual has arranged for payment of past and current child support obligations in a manner satisfactory to the Illinois Department of Healthcare and Family Services (or successor agency) or the court. The Agency may impose conditions, restrictions, or disciplinary action upon that certification.* [5 ILCS 100/10-65(c)]

c) If the Agency finds that removal or refusal to issue or renew certification is warranted, the usual action shall be a suspension or denial of certification for up to one year. The term of suspension may be reduced by the Director, based upon evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to occupational or public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Agency shall revoke the individual's certification or deny the application.

d) When an individual's certification is suspended or revoked, the individual shall surrender his/her certification document to the Agency until the termination of the suspension period or until reissuance of the certification.

e) An individual whose certification has been revoked may seek reinstatement of certification by filing with the Agency a petition for reinstatement. The petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the certification should be reinstated due to rehabilitation or other just cause.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)