

HB3471



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3471

by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Clinical Social Work and Social Work Practice Act from January 1, 2018 to January 1, 2028. Amends the Clinical Social Work and Social Work Practice Act. Makes changes in provisions concerning definitions, exemptions, powers and duties of the Department of Financial and Professional Regulation, the Social Work Examining and Disciplinary Board, applications for original license, change of address, qualifications for clinical social worker licenses and licensed social worker licenses, license restrictions and limitations, grounds for disciplinary action, investigations, notices and hearings, findings and recommendations, motions for rehearing, appointment of a hearing officer, restoration of a license, summary suspension of a license, and certification of records. Makes other changes. Effective immediately.

LRB100 05730 SMS 15752 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 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

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 Acts repealed on January 1, 2018.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8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 The Podiatric Medical Practice Act of 1987.

11 The Acupuncture Practice Act.

12 The Illinois Speech-Language Pathology and Audiology
13 Practice Act.

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 ~~The Clinical Social Work and Social Work Practice Act.~~

17 The Pharmacy Practice Act.

18 The Home Medical Equipment and Services Provider License
19 Act.

20 The Marriage and Family Therapy Licensing Act.

21 The Nursing Home Administrators Licensing and Disciplinary
22 Act.

23 The Physician Assistant Practice Act of 1987.

1 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;
2 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.
3 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,
4 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;
5 96-328, eff. 8-11-09.)

6 (5 ILCS 80/4.38 new)

7 Sec. 4.38. Act repealed on January 1, 2028. The following
8 Act is repealed on January 1, 2028:

9 The Clinical Social Work and Social Work Practice Act.

10 Section 10. The Clinical Social Work and Social Work
11 Practice Act is amended by changing Sections 3, 4, 5, 6, 7,
12 7.3, 9, 9A, 10, 14, 19, 21, 22, 25, 26, 28, 30, 31, 32, 33, 34,
13 36, and 37 as follows:

14 (225 ILCS 20/3) (from Ch. 111, par. 6353)

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

16 Sec. 3. Definitions. ~~÷~~ The following words and phrases shall
17 have the meanings ascribed to them in this Section unless the
18 context clearly indicates otherwise:

19 1. "Department" means the Department of Financial and
20 Professional Regulation.

21 2. "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 3. "Board" means the Social Work Examining and Disciplinary

1 Board.

2 4. "Licensed Clinical Social Worker" means a person who
3 holds a license authorizing the independent practice of
4 clinical social work in Illinois under the auspices of an
5 employer or in private practice or under the auspices of public
6 human service agencies or private, nonprofit agencies
7 providing publicly sponsored human services.

8 5. "Clinical social work practice" means the providing of
9 mental health services for the evaluation, treatment, and
10 prevention of mental and emotional disorders in individuals,
11 families, and groups based on knowledge and theory of
12 professionally accepted theoretical structures, including, but
13 not limited to, psychosocial development, behavior,
14 psychopathology, unconscious motivation, interpersonal
15 relationships, and environmental stress.

16 6. "Treatment procedures" means among other things,
17 individual, marital, family, and group psychotherapy.

18 7. "Independent practice of clinical social work" means the
19 application of clinical social work knowledge and skills by a
20 licensed clinical social worker who regulates and is
21 responsible for her or his own practice or treatment
22 procedures.

23 8. "License" means that which is required to practice
24 clinical social work or social work under this Act, the
25 qualifications for which include specific education,
26 acceptable experience, and examination requirements.

1 9. "Licensed social worker" means a person who holds a
2 license authorizing the practice of social work, which includes
3 social services to individuals, groups or communities in any
4 one or more of the fields of social casework, social group
5 work, community organization for social welfare, social work
6 research, social welfare administration, or social work
7 education. Social casework and social group work may also
8 include clinical social work, as long as it is not conducted in
9 an independent practice, as defined in this Section.

10 10. "Address of record" means the address recorded by the
11 Department in the applicant's application file or the
12 licensee's ~~application file~~ or license file, as maintained by
13 the Department's licensure maintenance unit.

14 11. "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, as maintained
17 by the Department's licensure maintenance unit.

18 (Source: P.A. 95-687, eff. 10-23-07; revised 9-14-16.)

19 (225 ILCS 20/4) (from Ch. 111, par. 6354)

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

21 Sec. 4. Exemptions.

22 1. This Act does not prohibit any of the following:

23 (a) Any persons legally regulated in this State under
24 any other Act from engaging in the practice for which they
25 are authorized, provided that they do not represent

1 themselves by any title as being engaged in the independent
2 practice of clinical social work or the practice of social
3 work as defined in this Act, nor does it prohibit the
4 practice of nonregulated professions whose practitioners
5 are engaged in the delivery of human services, provided
6 such practitioners do not represent themselves as or use
7 the title of clinical social worker or social worker.

8 (b) The practice of clinical social work or social work
9 by a person who is employed by the United States government
10 or by the State of Illinois, unit of local government or
11 any bureau, division or agency thereof while in the
12 discharge of the employee's official duties. Clinical
13 social workers employed by the State of Illinois who are
14 hired after the effective date of this amendatory Act of
15 1994 shall hold a valid license, issued by this State, to
16 practice as a licensed clinical social worker, except for
17 those clinical social workers employed by the State who
18 obtain their positions through promotion.

19 (c) The practice of a student pursuing a course of
20 professional education under the terms of this Act, if
21 these activities and services constitute a part of such
22 student's supervised course of study.

23 (d) A person from practicing social work if the person
24 is obtaining experience for licensure as a clinical social
25 worker or social worker, provided the person is designated
26 by a title that clearly indicates training status.

1 2. Nothing in this Act shall be construed to apply to any
2 person engaged in the bona fide practice of religious ministry
3 provided the person does not hold himself out to be engaged in
4 the independent practice of clinical social work or the
5 practice of social work.

6 3. This Act does not prohibit a person serving as a
7 volunteer so long as no representation prohibited by this
8 Section is made.

9 4. Nothing contained in this Act shall be construed to
10 require any hospital, clinic, home health agency, hospice, or
11 other entity which provides health care to employ or to
12 contract with a licensed clinical social worker to provide
13 clinical social work practice or the independent practice of
14 clinical social work as described in this Act.

15 (Source: P.A. 88-620, eff. 1-1-95.)

16 (225 ILCS 20/5) (from Ch. 111, par. 6355)

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

18 Sec. 5. Powers and duties of the Department. Subject to the
19 provisions of this Act, the ~~1. The~~ Department shall exercise
20 the following functions, powers, and duties: as set forth in
21 ~~this Act.~~

22 (1) Conduct or authorize examinations to ascertain the
23 qualifications and fitness of candidates for a license to
24 engage in the independent practice of clinical social work
25 and in the practice of social work, pass upon the

1 qualifications of applicants for licenses, and issue
2 licenses to those who are found to be fit and qualified.

3 (2) Adopt rules required for the administration and
4 enforcement of this Act.

5 (3) Adopt rules for determining approved undergraduate
6 and graduate social work degree programs and prepare and
7 maintain a list of colleges and universities offering such
8 approved programs whose graduates, if they otherwise meet
9 the requirements of this Act, are eligible to apply for a
10 license.

11 (4) Prescribe forms to be issued for the administration
12 and enforcement of this Act.

13 (5) Conduct investigations related to possible
14 violations of this Act.

15 (6) Maintain rosters of the names and addresses of all
16 persons who hold valid licenses under this Act. These
17 rosters shall be available upon written request and payment
18 of the required fee.

19 ~~2. The Secretary shall promulgate rules consistent with the~~
20 ~~provisions of this Act for the administration and enforcement~~
21 ~~thereof, and shall prescribe forms which shall be issued in~~
22 ~~connection therewith.~~

23 ~~3. In addition, the Department shall:~~

24 ~~(a) Establish rules for determining approved~~
25 ~~undergraduate and graduate social work degree programs and~~
26 ~~prepare and maintain a list of colleges and universities~~

1 ~~offering such approved programs whose graduates, if they~~
2 ~~otherwise meet the requirements of this Act, are eligible~~
3 ~~to apply for a license.~~

4 ~~(b) Promulgate rules, as may be necessary, for the~~
5 ~~administration of this Act and to carry out the purposes~~
6 ~~thereof and to adopt the methods of examination of~~
7 ~~candidates and to provide for the issuance of licenses~~
8 ~~authorizing the independent practice of clinical social~~
9 ~~work or the practice of social work.~~

10 ~~(c) Authorize examinations to ascertain the~~
11 ~~qualifications and fitness of candidates for a license to~~
12 ~~engage in the independent practice of clinical social work~~
13 ~~and in the practice of social work, and to determine the~~
14 ~~qualifications of applicants from other jurisdictions to~~
15 ~~practice in Illinois.~~

16 ~~(d) Maintain rosters of the names and addresses of all~~
17 ~~licensees, and all persons whose licenses have been~~
18 ~~suspended, revoked or denied renewal for cause within the~~
19 ~~previous calendar year. These rosters shall be available~~
20 ~~upon written request and payment of the required fee.~~

21 (Source: P.A. 95-687, eff. 10-23-07.)

22 (225 ILCS 20/6) (from Ch. 111, par. 6356)

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

24 Sec. 6. Social Work Examining and Disciplinary Board.

25 (1) The Secretary shall appoint a Social Work Examining and

1 Disciplinary Board consisting of 9 persons who shall serve in
2 an advisory capacity to the Secretary. The Board shall be
3 composed of 6 licensed clinical social workers, one of whom
4 shall be employed in a public human service agency, one of whom
5 shall be a certified school social worker, one of whom shall be
6 employed in the private not-for-profit sector and one of whom
7 shall serve as the chairperson, 2 ~~two~~ licensed social workers,
8 and one member of the public who is not regulated under this
9 Act or a similar Act and who clearly represents consumer
10 interests.

11 (2) Members shall serve for a term of 4 years each, except
12 that any person chosen to fill a vacancy shall be appointed
13 only for the unexpired term of the Board member whom he or she
14 shall succeed. Upon the expiration of this term of office, a
15 Board member shall continue to serve until a successor is and
16 ~~until their successors are~~ appointed and qualified. No member
17 shall serve more than 2 consecutive 4-year terms ~~be reappointed~~
18 ~~if such reappointment would cause that person's service on the~~
19 ~~Board to be longer than 8 successive years. Appointments to~~
20 ~~fill vacancies for the unexpired portion of a vacated term~~
21 ~~shall be made in the same manner as original appointments.~~

22 (3) The membership of the Board should represent racial and
23 cultural diversity and reasonably reflect representation from
24 different geographic areas of Illinois.

25 (4) The Secretary may terminate the appointment of any
26 member for cause.

1 (5) The Secretary may ~~shall~~ consider the recommendation of
2 the Board on all matters and questions relating to this Act,
3 such as matters relating to continuing education, including the
4 number of hours necessary for license renewal, waivers for
5 those unable to meet such requirements, and acceptable course
6 content.

7 (6) (Blank). ~~The Board is charged with the duties and~~
8 ~~responsibilities of recommending to the Secretary the adoption~~
9 ~~of all policies, procedures and rules which may be required or~~
10 ~~deemed advisable in order to perform the duties and functions~~
11 ~~conferred on the Board, the Secretary and the Department to~~
12 ~~carry out the provisions of this Act.~~

13 (7) (Blank). ~~The Board may make recommendations on all~~
14 ~~matters relating to continuing education including the number~~
15 ~~of hours necessary for license renewal, waivers for those~~
16 ~~unable to meet such requirements and acceptable course content.~~
17 ~~Such recommendations shall not impose an undue burden on the~~
18 ~~Department or an unreasonable restriction on those seeking~~
19 ~~license renewal.~~

20 (8) The Board shall annually elect one of its members as
21 chairperson and one as vice chairperson.

22 (9) Members of the Board shall be reimbursed for all
23 ~~authorized~~ legitimate, and necessary, and authorized expenses
24 ~~incurred in attending the meetings of the Board.~~

25 (10) A majority of the Board members currently appointed
26 shall constitute a quorum. A vacancy in the membership of the

1 Board shall not impair the right of a quorum to perform all of
2 the duties of the Board.

3 (11) Members of the Board shall have no liability in an
4 action based upon a disciplinary proceeding or other activity
5 performed in good faith as a member of the Board.

6 (Source: P.A. 95-687, eff. 10-23-07.)

7 (225 ILCS 20/7) (from Ch. 111, par. 6357)

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

9 Sec. 7. Applications for original license. Applications
10 for original licenses shall be made to the Department on forms
11 or electronically as prescribed by the Department and
12 accompanied by the required fee which shall not be refundable.
13 All applications shall contain such information which, in the
14 judgment of the Department, will enable the Department to pass
15 on the qualifications of the applicant for a license as a
16 licensed clinical social worker or as a licensed social worker.

17 A license to practice shall not be denied an applicant
18 because of the applicant's race, religion, creed, national
19 origin, political beliefs or activities, age, sex, sexual
20 orientation, or physical disability that does not affect a
21 person's ability to practice with reasonable judgment, skill,
22 or safety impairment.

23 Applicants have 3 years from the date of application to
24 complete the application process. If the process has not been
25 completed in 3 years, the application shall be denied, the fee

1 shall be forfeited, and the applicant must reapply and meet the
2 requirements in effect at the time of reapplication.

3 (Source: P.A. 90-150, eff. 12-30-97.)

4 (225 ILCS 20/7.3)

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

6 Sec. 7.3. Address of record; email address of record ~~Change~~
7 ~~of address.~~ All applicants and licensees shall:

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

12 (2) An applicant or licensee must inform the Department
13 of any change of address of record or email address of
14 record within 14 days after, ~~and such change changes must~~
15 ~~be made~~ either through the Department's website or by
16 contacting the Department's licensure maintenance unit.

17 (Source: P.A. 95-687, eff. 10-23-07.)

18 (225 ILCS 20/9) (from Ch. 111, par. 6359)

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

20 Sec. 9. Qualifications ~~Qualification~~ for clinical social
21 worker license. A person shall be qualified to be licensed as a
22 clinical social worker if that person ~~and the Department shall~~
23 ~~issue a license authorizing the independent practice of~~
24 ~~clinical social work to an applicant who:~~

1 (1) has applied in writing on the prescribed form;

2 (2) is of good moral character. In determining good
3 moral character, the Department may take into
4 consideration whether the applicant was engaged in conduct
5 or actions that would constitute grounds for discipline
6 under this Act;

7 (3) (a) ~~(A)~~ demonstrates to the satisfaction of the
8 Department that subsequent to securing a master's degree in
9 social work from an approved program the applicant has
10 successfully completed at least 3,000 hours of
11 satisfactory, supervised clinical professional experience;
12 or

13 (b) ~~(B)~~ demonstrates to the satisfaction of the
14 Department that such applicant has received a doctor's
15 degree in social work from an approved program and has
16 completed at least 2,000 hours of satisfactory, supervised
17 clinical professional experience subsequent to the degree;

18 (4) has passed the examination for the practice of
19 clinical social work as authorized by the Department; and

20 (5) has paid the required fees.

21 (Source: P.A. 95-687, eff. 10-23-07.)

22 (225 ILCS 20/9A) (from Ch. 111, par. 6359A)

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

24 Sec. 9A. Qualifications for license as licensed social
25 worker. A person shall be qualified to be licensed as a

1 licensed social worker if that person ~~and the Department shall~~
2 ~~issue a license authorizing the practice of social work to an~~
3 ~~applicant who:~~

4 (1) has applied in writing on the prescribed form;

5 (2) is of good moral character, as defined in
6 subsection (2) of Section 9;

7 (3) (a) has a degree from a graduate program of social
8 work approved by the Department; or

9 (b) has a degree in social work from an undergraduate
10 program approved by the Department and has successfully
11 completed at least 3 years of supervised professional
12 experience subsequent to obtaining the degree as
13 established by rule. If no supervision by a licensed social
14 worker or a licensed clinical social worker is available,
15 then supervised professional experience may include
16 supervision by other appropriate disciplines as defined by
17 rule;

18 (4) has passed the examination for the practice of
19 social work as a licensed social worker as authorized by
20 the Department; and

21 (5) has paid the required fees.

22 (Source: P.A. 90-150, eff. 12-30-97; 91-357, eff. 7-29-99.)

23 (225 ILCS 20/10) (from Ch. 111, par. 6360)

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

25 Sec. 10. License restrictions and limitations.

1 (a) No person shall, without a currently valid license as a
2 social worker issued by the Department: (i) in any manner hold
3 himself or herself out to the public as a social worker under
4 this Act; (ii) use the title "social worker" or "licensed
5 social worker"; or (iii) offer to render ~~to individuals,~~
6 ~~corporations, or the public~~ social work services if the words
7 "social work" or "licensed social worker" are used to describe
8 the person offering to render or rendering the services or to
9 describe the services rendered or offered to be rendered.

10 (b) No person shall, without a currently valid license as a
11 clinical social worker issued by the Department: (i) in any
12 manner hold himself or herself out to the public as a clinical
13 social worker or licensed clinical social worker under this
14 Act; (ii) use the title "clinical social worker" or "licensed
15 clinical social worker"; or (iii) offer to render ~~to~~
16 ~~individuals, corporations, or the public~~ clinical social work
17 services if the words "licensed clinical social worker" or
18 "clinical social work" are used to describe the person to
19 render or rendering the services or to describe the services
20 rendered or offered to be rendered.

21 (c) Licensed social workers may not engage in independent
22 practice of clinical social work without a clinical social
23 worker license. In independent practice, a licensed social
24 worker shall practice at all times under the order, control,
25 and full professional responsibility of a licensed clinical
26 social worker, a licensed clinical psychologist, or a

1 psychiatrist, as defined in Section 1-121 of the Mental Health
2 and Developmental Disabilities Code.

3 (d) No business organization ~~association, partnership, or~~
4 ~~professional limited liability company~~ shall provide, attempt
5 to provide, or offer to provide social work or clinical social
6 work services unless every member, shareholder, partner,
7 director, officer, holder of any other ownership interest, and
8 employee ~~of the association, partnership, or professional~~
9 ~~limited liability company who practices social work or clinical~~
10 ~~social work or~~ who renders social work or clinical social work
11 services holds a currently valid ~~current~~ license issued under
12 this Act. No business shall be created that (1) has a stated
13 purpose that includes social work or clinical social work, or
14 (2) provides ~~provide, attempts attempt~~ to provide, or offers
15 ~~offer~~ to provide social work or clinical social work services
16 unless it is organized under the Professional Service
17 Corporation Act, the Medical Corporation Act, or the
18 Professional Limited Liability Company Act.

19 (e) Nothing in this Act shall preclude individuals licensed
20 under this Act from practicing directly or indirectly for a
21 physician licensed to practice medicine in all its branches
22 under the Medical Practice Act of 1987 or for any legal entity
23 as provided under subsection (c) of Section 22.2 of the Medical
24 Practice Act of 1987.

25 (f) Nothing in this Act shall preclude individuals licensed
26 under this Act from practicing directly or indirectly for any

1 hospital licensed under the Hospital Licensing Act or any
2 hospital affiliate as defined in Section 10.8 of the Hospital
3 Licensing Act and any hospital authorized under the University
4 of Illinois Hospital Act.

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

6 (225 ILCS 20/14) (from Ch. 111, par. 6364)

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

8 Sec. 14. Checks or order to Department dishonored because
9 of insufficient funds. Any person who delivers a check or other
10 payment to the Department that is returned to the Department
11 unpaid by the financial institution upon which it is drawn
12 shall pay to the Department, in addition to the amount already
13 owed to the Department, a fine of \$50. The fines imposed by
14 this Section are in addition to any other discipline provided
15 under this Act for unlicensed practice or practice on a
16 nonrenewed license. The Department shall notify the person that
17 payment of fees and fines shall be paid to the Department by
18 certified check or money order within 30 calendar days of the
19 notification. If, after the expiration of 30 days from the date
20 of the notification, the person has failed to submit the
21 necessary remittance, the Department shall automatically
22 terminate the license ~~or certificate~~ or deny the application,
23 without hearing. If, after termination or denial, the person
24 seeks a license ~~or certificate~~, he or she shall apply to the
25 Department for restoration or issuance of the license ~~or~~

1 ~~certificate~~ and pay all fees and fines due to the Department.
2 The Department may establish a fee for the processing of an
3 application for restoration of a license ~~or certificate~~ to pay
4 all expenses of processing this application. The Secretary may
5 waive the fines due under this Section in individual cases
6 where the Secretary finds that the fines would be unreasonable
7 or unnecessarily burdensome.

8 (Source: P.A. 95-687, eff. 10-23-07.)

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

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

11 Sec. 19. Grounds for disciplinary action.

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

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

24 (b) violations or negligent or intentional disregard
25 of this Act, or any of the rules promulgated hereunder;

1 (c) conviction of or entry of a plea of guilty or nolo
2 contendere, finding of guilt, jury verdict, or entry of
3 judgment or sentencing, including, but not limited to,
4 convictions, preceding sentences of supervision,
5 conditional discharge, or first offender probation, to any
6 ~~crime that is a felony~~ under the laws of any jurisdiction
7 of the United States ~~or any state or territory thereof or~~
8 that is (i) a felony or (ii) a misdemeanor, of which an
9 essential element of which is dishonesty, or ~~any crime~~ that
10 is directly related to the practice of the clinical social
11 work or social work professions;

12 (d) fraud or making any misrepresentation in applying
13 for or procuring a license under ~~for the purpose of~~
14 ~~obtaining licenses, or violating any provision of this Act~~
15 or in connection with applying for renewal or restoration
16 of a license under this Act ~~any of the rules promulgated~~
17 ~~hereunder;~~

18 (e) professional incompetence;

19 (f) gross negligence in practice under this Act
20 ~~malpractice;~~

21 (g) aiding or assisting another person in violating any
22 provision of this Act or its ~~any~~ rules;

23 (h) failing to provide information within 60 ~~30~~ days in
24 response to a written request made by the Department;

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

1 defraud or harm the public as defined by the rules of the
2 Department, or violating the rules of professional conduct
3 adopted by the ~~Board and published by the~~ Department;

4 (j) habitual or excessive use or abuse of drugs defined
5 in law as controlled substances, of ~~addiction to~~ alcohol,
6 ~~narcotics, stimulants,~~ or of any other substances ~~chemical~~
7 ~~agent or drug~~ that results in the ~~a clinical social~~
8 ~~worker's or social worker's~~ inability to practice with
9 reasonable judgment, skill, or safety;

10 (k) adverse action taken ~~discipline~~ by another state or
11 jurisdiction, if at least one of the grounds for the
12 discipline is the same or substantially equivalent to those
13 set forth in this Section;

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

1 an employment arrangement to receive professional fees for
2 services rendered;

3 (m) a finding by the Department Board that the
4 licensee, after having the license placed on probationary
5 status, has violated the terms of probation or failed to
6 comply with such terms;

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

8 (o) willfully making or wilfully filing false records
9 or reports relating to a licensee's practice, including,
10 but not limited to, false records filed with Federal or
11 State agencies or departments;

12 (p) willfully wilfully failing to report an instance of
13 suspected child abuse or neglect as required by the Abused
14 and Neglected Child Reporting Act;

15 (q) being named as a perpetrator in an indicated report
16 by the Department of Children and Family Services under the
17 Abused and Neglected Child Reporting Act, and upon proof by
18 clear and convincing evidence that the licensee has caused
19 a child to be ~~or failed to take reasonable steps to prevent~~
20 ~~a child from being~~ an abused child or neglected child as
21 defined in the Abused and Neglected Child Reporting Act;

22 (r) physical illness, mental illness, or any other
23 impairment or disability, including, but not limited to,
24 deterioration through the aging process, or loss of motor
25 skills that results in the inability to practice the
26 profession with reasonable judgment, skill or safety;

1 (s) solicitation of professional services by using
2 false or misleading advertising; ~~or~~

3 (t) violation of the Health Care Worker Self-Referral
4 Act; ~~or~~

5 (u) willfully failing to report an instance of
6 suspected abuse, neglect, financial exploitation, or
7 self-neglect of an eligible adult as defined in and
8 required by the Adult Protective Services Act; or

9 (v) being named as an abuser in a verified report by
10 the Department on Aging under the Adult Protective Services
11 Act, and upon proof by clear and convincing evidence that
12 the licensee abused, neglected, or financially exploited
13 an eligible adult as defined in the Adult Protective
14 Services Act.

15 (2) (Blank).

16 (3) The determination by a court that a licensee is subject
17 to involuntary admission or judicial admission as provided in
18 the Mental Health and Developmental Disabilities Code, will
19 result in an automatic suspension of his license. Such
20 suspension will end upon a finding by a court that the licensee
21 is no longer subject to involuntary admission or judicial
22 admission and issues an order so finding and discharging the
23 patient, and upon the recommendation of the Board to the
24 Secretary that the licensee be allowed to resume professional
25 practice.

26 (4) The Department shall ~~may~~ refuse to issue or renew or

1 may suspend the license of a person who (i) fails to file a
2 return, pay the tax, penalty, or interest shown in a filed
3 return, or pay any final assessment of tax, penalty, or
4 interest, as required by any tax Act administered by the
5 Department of Revenue, until the requirements of the tax Act
6 are satisfied or (ii) has failed to pay any court-ordered child
7 support as determined by a court order or by referral from the
8 Department of Healthcare and Family Services.

9 (5) (a) In enforcing this Section, the Department or Board,
10 upon a showing of a possible violation, may compel a person
11 licensed to practice under this Act, or who has applied for
12 licensure under ~~or certification pursuant to~~ this Act, to
13 submit to a mental or physical examination, or both, which may
14 include a substance abuse or sexual offender evaluation, as
15 required by and at the expense of the Department.

16 (b) The Department shall specifically designate the
17 examining physician licensed to practice medicine in all of its
18 branches or, if applicable, the multidisciplinary team
19 involved in providing the mental or physical examination or
20 both. The multidisciplinary team shall be led by a physician
21 licensed to practice medicine in all of its branches and may
22 consist of one or more or a combination of physicians licensed
23 to practice medicine in all of its branches, licensed clinical
24 psychologists, licensed clinical social workers, licensed
25 clinical professional counselors, and other professional and
26 administrative staff. Any examining physician or member of the

1 multidisciplinary team may require any person ordered to submit
2 to an examination pursuant to this Section to submit to any
3 additional supplemental testing deemed necessary to complete
4 any examination or evaluation process, including, but not
5 limited to, blood testing, urinalysis, psychological testing,
6 or neuropsychological testing ~~physicians shall be those~~
7 ~~specifically designated by the Board.~~

8 (c) The Board or the Department may order the examining
9 physician or any member of the multidisciplinary team to
10 present testimony concerning this mental or physical
11 examination of the licensee or applicant. No information,
12 report, record, or other documents in any way related to the
13 examination shall be excluded by reason of any common law or
14 statutory privilege relating to communications between the
15 licensee or applicant and the examining physician or any member
16 of the multidisciplinary team. No authorization is necessary
17 from the licensee or applicant ordered to undergo an
18 examination for the examining physician or any member of the
19 multidisciplinary team to provide information, reports,
20 records, or other documents or to provide any testimony
21 regarding the examination and evaluation.

22 (d) The person to be examined may have, at his or her own
23 expense, another physician of his or her choice present during
24 all aspects of the examination. However, that physician shall
25 be present only to observe and may not interfere in any way
26 with the examination.

1 (e) Failure of any person to submit to a mental or physical
2 examination, when ordered ~~directed~~, shall result in an
3 automatic ~~be grounds for~~ suspension of his or her ~~a~~ license
4 until the person submits to the examination ~~if the Board finds,~~
5 ~~after notice and hearing, that the refusal to submit to the~~
6 ~~examination was without reasonable cause.~~

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

24 (g) All fines imposed shall be paid within 60 days after
25 the effective date of the order imposing the fine or in
26 accordance with the terms set forth in the order imposing the

1 fine.

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

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

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

17 (225 ILCS 20/21) (from Ch. 111, par. 6371)

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

19 Sec. 21. Investigations; notice and hearing.

20 (a) The Department may investigate the actions of any
21 applicant or of any person holding or claiming to hold a
22 license under this Act.

23 (b) The Department shall, before disciplining an applicant
24 or licensee ~~refusing to issue or renew a license~~, at least 30
25 days prior to the date set for the hearing: (i) ~~7~~ notify, in

1 writing, the accused applicant for, or holder of, a license of
2 ~~the nature of the charges made and the time and place for the~~
3 ~~that a hearing on the charges, (ii) will be held on the date~~
4 ~~designated. The Department shall direct him or her the~~
5 ~~applicant or licensee to file a written answer to the charges~~
6 ~~Board under oath within 20 days after the service of the~~
7 ~~notice, and (iii) inform the applicant or licensee that failure~~
8 ~~to file an answer will result in a default being entered taken~~
9 ~~against the applicant or licensee and that the license or~~
10 ~~certificate may be suspended, revoked, placed on probationary~~
11 ~~status, or other disciplinary action may be taken, including~~
12 ~~limiting the scope, nature or extent of practice, as the~~
13 ~~Secretary may deem proper.~~

14 (c) Written or electronic notice, and any notice in the
15 subsequent proceeding, may be served by personal delivery, by
16 email, or by certified or registered mail to the applicant or
17 licensee at his or her the applicant's last address of record
18 or email address of record. In case the person fails to file an
19 answer after receiving notice, his or her license or
20 certificate may, in the discretion of the Department, be
21 suspended, revoked, or placed on probationary status, or the
22 Department may take whatever disciplinary action deemed
23 proper, including limiting the scope, nature, or extent of the
24 person's practice or the imposition of a fine, without a
25 hearing, if the act or acts charged constitute sufficient
26 grounds for such action under this Act.

1 (d) At the time and place fixed in the notice, the Board or
2 hearing officer appointed by the Secretary shall proceed to
3 hear the charges and the parties or their counsel shall be
4 accorded ample opportunity to present any statements,
5 testimony, evidence and argument as may be pertinent to the
6 charges or to their defense. The Board or hearing officer may
7 continue the a hearing from time to time.

8 (e) In case the person, after receiving the notice, fails
9 to file an answer, his or her license may, in the discretion of
10 the Secretary, having first received the recommendation of the
11 Board, be suspended, revoked, or placed on probationary status,
12 or be subject to whatever disciplinary action the Secretary
13 considers proper, including limiting the scope, nature, or
14 extent of the person's practice or the imposition of a fine,
15 without hearing, if the act or acts charged constitute
16 sufficient grounds for that action under this Act.

17 (Source: P.A. 95-687, eff. 10-23-07.)

18 (225 ILCS 20/22) (from Ch. 111, par. 6372)

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

20 Sec. 22. Record of proceedings ~~Proceedings~~; transcript.
21 The Department, at its expense, shall preserve a record of all
22 proceedings at the formal hearing of any case ~~involving the~~
23 ~~refusal to issue or to renew a license~~. The notice of hearing,
24 complaint, all other documents in the nature of pleadings,
25 written motions filed in the proceedings, the transcript of

1 testimony, the report of the Board and orders of the Department
2 shall be in the record of such proceeding. The Department shall
3 furnish a copy ~~transcript~~ of the record to any person upon
4 payment of the fee required under Section 2105-115 of the
5 Department of Professional Regulation Law (20 ILCS
6 2105/2105-115).

7 (Source: P.A. 90-150, eff. 12-30-97; 91-239, eff. 1-1-00.)

8 (225 ILCS 20/25) (from Ch. 111, par. 6375)

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

10 Sec. 25. Findings and recommendations. At the conclusion of
11 the hearing the Board shall present to the Secretary a written
12 report of its findings of fact, conclusions of law and
13 recommendations. The report shall contain a finding whether or
14 not the licensee violated this act or failed to comply with the
15 conditions required in this Act. The Board shall specify the
16 nature of the violation or failure to comply, and shall make
17 its recommendations to the Secretary.

18 The report of findings of fact, conclusions of law, and
19 recommendation of the Board shall be the basis for the
20 Department's order or refusal or for the granting of the
21 license. ~~If the Secretary disagrees with the recommendations of
22 the Board, the Secretary may issue an order in contravention
23 thereof. The Secretary shall provide a written report to the
24 Board on any disagreement and shall specify the reasons for
25 said action in the final order. The finding is not admissible~~

1 ~~in evidence against the person in a criminal prosecution~~
2 ~~brought for the violation of this Act, but the hearing and~~
3 ~~findings are not a bar to a criminal prosecution brought for~~
4 ~~the violation of this Act.~~

5 (Source: P.A. 95-687, eff. 10-23-07.)

6 (225 ILCS 20/26) (from Ch. 111, par. 6376)

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

8 Sec. 26. Hearing; motion for rehearing Board ~~Rehearing.~~

9 (a) The Board or hearing officer appointed by the Secretary
10 shall hear evidence in support of the formal charges and
11 evidence produced by the licensee. At the conclusion of the
12 hearing, the Board shall present to the Secretary a written
13 report of its findings of fact, conclusions of law, and
14 recommendations. If the Board fails to present its report, the
15 applicant or licensee may request in writing a direct appeal to
16 the Secretary, in which case the Secretary may issue an order
17 based upon the report of the hearing officer and the record of
18 the proceedings or issue an order remanding the matter back to
19 the hearing officer for additional proceedings in accordance
20 with the order.

21 (b) At the conclusion of the hearing ~~In any case involving~~
22 ~~the refusal to issue or to renew a license or to discipline a~~
23 ~~licensee, a copy of the~~ hearing officer's or Board's report
24 shall be served upon the applicant or licensee by the
25 Department, either personally or ~~by registered or certified~~

1 ~~mail or~~ as provided in this Act for the service of the notice
2 of hearing. Within 20 calendar days after ~~such~~ service, the
3 applicant or licensee may present to the Department a motion in
4 writing for a rehearing which shall specify the particular
5 grounds for rehearing therefor. The Department may respond to
6 the motion for rehearing within 20 calendar days after its
7 service on the Department. If no motion for a rehearing is
8 filed, then upon the expiration of the time specified for
9 filing such a motion, or ~~if a motion for rehearing is denied,~~
10 ~~then~~ upon ~~such~~ denial of a motion for rehearing, the Secretary
11 may enter an order in accordance with recommendations of the
12 Board or hearing officer, ~~except as provided in Section 25 of~~
13 ~~this Act~~. If the applicant or licensee orders from the
14 reporting service and pays for a transcript of the record
15 within the time for filing a motion for rehearing, the 20-day
16 period within which a motion may be filed shall commence upon
17 the delivery of the transcript to the applicant or licensee.

18 (c) If the Secretary disagrees in any regard with the
19 report of the Board, the Secretary may issue an order contrary
20 to the report.

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

24 (e) At any point in any investigation or disciplinary
25 proceeding provided for in this Act, both parties may agree to
26 a negotiated consent order. The consent order shall be final

1 upon signature of the Secretary.

2 (Source: P.A. 95-687, eff. 10-23-07.)

3 (225 ILCS 20/28) (from Ch. 111, par. 6378)

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

5 Sec. 28. Appointment of a hearing officer. Notwithstanding
6 any other provision of this Act, the ~~The~~ Secretary has ~~shall~~
7 ~~have~~ the authority to appoint any attorney duly licensed to
8 practice law in the State of Illinois to serve as the hearing
9 officer in any action for refusal to issue or renew a license
10 ~~or permit~~ or to discipline a licensee. ~~The Secretary shall~~
11 ~~promptly notify the Board of any such appointment.~~ The hearing
12 officer shall have full authority to conduct the hearing. The
13 hearing officer shall report his or her findings of fact,
14 conclusions of law and recommendations to the Board and to the
15 Secretary. ~~Upon receipt of the report, the Board shall have at~~
16 ~~least 60 days after receipt of the report to review it and~~
17 ~~present its findings of fact, conclusions of law and~~
18 ~~recommendation to the Secretary. If the Board does not present~~
19 ~~its report within the 60 days period, the respondent may~~
20 ~~request in writing a direct appeal to the Secretary, in which~~
21 ~~case the Secretary shall, within 7 calendar days after the~~
22 ~~request, issue an order directing the Board to issue its~~
23 ~~findings of fact, conclusions of law, and recommendations to~~
24 ~~the Secretary within 30 calendar days after such order. If the~~
25 ~~Board fails to issue its findings of fact, conclusions of law,~~

1 ~~and recommendations within that time frame to the Secretary~~
2 ~~after the entry of such order, the Secretary shall, within 30~~
3 ~~calendar days thereafter, issue an order based upon the report~~
4 ~~of the hearing officer and the record of the proceedings or~~
5 ~~issue an order remanding the matter back to the hearing officer~~
6 ~~for additional proceedings in accordance with the order. If (i)~~
7 ~~a direct appeal is requested, (ii) the Board fails to issue its~~
8 ~~findings of fact, conclusions of law, and recommendations~~
9 ~~within the 30 day mandate from the Secretary or the Secretary~~
10 ~~fails to order the Board to do so, and (iii) the Secretary~~
11 ~~fails to issue an order within 30 calendar days thereafter,~~
12 ~~then the hearing officer's report is deemed accepted and a~~
13 ~~final decision of the Secretary. Notwithstanding any other~~
14 ~~provision of this Section, if the Secretary, upon review,~~
15 ~~determines that substantial justice has not been done in the~~
16 ~~revocation, suspension, or refusal to issue or renew a license~~
17 ~~or other disciplinary action taken as the result of the entry~~
18 ~~of the hearing officer's report, the Secretary may order a~~
19 ~~rehearing by the same or other examiners. If the Secretary~~
20 ~~disagrees with the recommendation of the Board or of the~~
21 ~~hearing officer, the Secretary may issue an order in~~
22 ~~contravention of the Board's report. The Secretary shall~~
23 ~~promptly provide a written explanation to the Board on any such~~
24 ~~disagreement, and shall specify the reasons for such action in~~
25 ~~the final order.~~

26 (Source: P.A. 95-687, eff. 10-23-07.)

1 (225 ILCS 20/30) (from Ch. 111, par. 6380)

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

3 Sec. 30. Restoration ~~of suspended or revoked license~~. At
4 any time after the successful completion of a term of
5 probation, suspension, or revocation of any license, the
6 Department may restore the license ~~it~~ to the licensee upon the
7 written recommendation of the Board unless after an
8 investigation and hearing the Board or Department determines
9 that restoration is not in the public interest. Where
10 circumstances of suspension or revocation so indicate, the
11 Department may require an examination of the licensee prior to
12 restoring his or her license. No person whose license has been
13 revoked as authorized in this Act may apply for restoration of
14 that license or permit until such time as provided for in the
15 Civil Administrative Code of Illinois.

16 (Source: P.A. 85-967.)

17 (225 ILCS 20/31) (from Ch. 111, par. 6381)

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

19 Sec. 31. Surrender of license. Upon the revocation or ~~and~~
20 suspension of any ~~the~~ license, the licensee shall immediately
21 surrender his or her license to the Department. If the licensee
22 fails to do so, the Department shall have the right to seize
23 the license.

24 (Source: P.A. 90-150, eff. 12-30-97.)

1 (225 ILCS 20/32) (from Ch. 111, par. 6382)

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

3 Sec. 32. Summary ~~Temporary~~ suspension of a license. The
4 Secretary may summarily ~~temporarily~~ suspend the license of a
5 licensed clinical social worker or licensed social worker
6 without a hearing simultaneously with the institution of
7 proceedings for a hearing provided for in ~~Section 21~~ of this
8 Act if the Secretary finds that ~~conclusive~~ evidence in his or
9 her possession indicates ~~indicating~~ that a licensee's
10 continuation in practice would constitute an imminent danger to
11 the public. In the event the Secretary summarily ~~temporarily~~
12 suspends such license without a hearing, a hearing by the Board
13 or Department shall be held within 30 calendar days after the
14 ~~such~~ suspension has occurred.

15 (Source: P.A. 95-687, eff. 10-23-07.)

16 (225 ILCS 20/33) (from Ch. 111, par. 6383)

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

18 Sec. 33. Administrative review ~~review~~ ~~venue~~.

19 1. All final administrative decisions of the Department are
20 subject to judicial review pursuant to the Administrative
21 Review Law and all rules adopted pursuant thereto. The term
22 "Administrative decision" is defined as in Section 3-101 of the
23 Code of Civil Procedure.

24 2. Proceedings for judicial review shall be commenced in

1 the circuit court of the county in which the party applying for
2 review resides, but if the party is not a resident of Illinois,
3 the venue shall be in Sangamon County.

4 (Source: P.A. 85-967.)

5 (225 ILCS 20/34) (from Ch. 111, par. 6384)

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

7 Sec. 34. Certification of record; costs. The Department
8 shall not be required to certify any record to the court, to
9 file an answer in court or to otherwise appear in any court in
10 a judicial review proceeding, unless and until the Department
11 has received from the plaintiff ~~there is filed in the court,~~
12 ~~with the complaint, a receipt from the Department acknowledging~~
13 ~~payment of the costs of furnishing and certifying the record,~~
14 which costs shall be determined by the Department. Failure on
15 the part of the plaintiff to file a receipt in court shall be
16 grounds for dismissal of the action.

17 (Source: P.A. 87-1031.)

18 (225 ILCS 20/36) (from Ch. 111, par. 6386)

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

20 Sec. 36. Illinois Administrative Procedure Act. The
21 Illinois Administrative Procedure Act is hereby expressly
22 adopted and incorporated herein as if all of the provisions of
23 that Act were included in this Act, except that the provision
24 of subsection (d) of Section 10-65 of the Illinois

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

8 (Source: P.A. 88-45.)

9 (225 ILCS 20/37) (from Ch. 111, par. 6387)

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

11 Sec. 37. Home rule ~~Public policy~~. It is declared to be the
12 public policy of this State, pursuant to paragraphs (h) and (i)
13 of Section 6 of Article VII of the Illinois Constitution of
14 1970, that any power or function set forth in this Act to be
15 exercised by the State is an exclusive State power or function.
16 Such power or function shall not be exercised concurrently,
17 either directly or indirectly, by any unit of local government,
18 including home rule units, except as otherwise provided in this
19 Act.

20 (Source: P.A. 85-967.)

21 (225 ILCS 20/27 rep.)

22 Section 15. The Clinical Social Work and Social Work
23 Practice Act is amended by repealing Section 27.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.

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