

SB2439



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2439

Introduced 1/30/2018, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

See Index

Amends various acts to remove provisions allowing or requiring licensing authorities to revoke professional licenses for defaulting on an educational loan provided by or guaranteed by the Illinois Student Assistance Commission. Effective immediately.

LRB100 18051 XWW 33240 b

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 Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-15 and 2105-207 as follows:

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations; provided,
9 that no school, college, or university, or department of a
10 university, or other institution that refuses admittance
11 to applicants solely on account of race, color, creed, sex,
12 sexual orientation, or national origin shall be considered
13 reputable and in good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard to
18 licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities. The Department shall issue a monthly
25 disciplinary report. ~~The Department shall deny any license~~
26 ~~or renewal authorized by the Civil Administrative Code of~~

1 ~~Illinois to any person who has defaulted on an educational~~
2 ~~loan or scholarship provided by or guaranteed by the~~
3 ~~Illinois Student Assistance Commission or any governmental~~
4 ~~agency of this State; however, the Department may issue a~~
5 ~~license or renewal if the aforementioned persons have~~
6 ~~established a satisfactory repayment record as determined~~
7 ~~by the Illinois Student Assistance Commission or other~~
8 ~~appropriate governmental agency of this State.~~
9 ~~Additionally, beginning June 1, 1996, any license issued by~~
10 ~~the Department may be suspended or revoked if the~~
11 ~~Department, after the opportunity for a hearing under the~~
12 ~~appropriate licensing Act, finds that the licensee has~~
13 ~~failed to make satisfactory repayment to the Illinois~~
14 ~~Student Assistance Commission for a delinquent or~~
15 ~~defaulted loan. For the purposes of this Section,~~
16 ~~"satisfactory repayment record" shall be defined by rule.~~
17 The Department shall refuse to issue or renew a license to,
18 or shall suspend or revoke a license of, any person who,
19 after receiving notice, fails to comply with a subpoena or
20 warrant relating to a paternity or child support
21 proceeding. However, the Department may issue a license or
22 renewal upon compliance with the subpoena or warrant.

23 The Department, without further process or hearings,
24 shall revoke, suspend, or deny any license or renewal
25 authorized by the Civil Administrative Code of Illinois to
26 a person who is certified by the Department of Healthcare

1 and Family Services (formerly Illinois Department of
2 Public Aid) as being more than 30 days delinquent in
3 complying with a child support order or who is certified by
4 a court as being in violation of the Non-Support Punishment
5 Act for more than 60 days. The Department may, however,
6 issue a license or renewal if the person has established a
7 satisfactory repayment record as determined by the
8 Department of Healthcare and Family Services (formerly
9 Illinois Department of Public Aid) or if the person is
10 determined by the court to be in compliance with the
11 Non-Support Punishment Act. The Department may implement
12 this paragraph as added by Public Act 89-6 through the use
13 of emergency rules in accordance with Section 5-45 of the
14 Illinois Administrative Procedure Act. For purposes of the
15 Illinois Administrative Procedure Act, the adoption of
16 rules to implement this paragraph shall be considered an
17 emergency and necessary for the public interest, safety,
18 and welfare.

19 (6) To transfer jurisdiction of any realty under the
20 control of the Department to any other department of the
21 State Government or to acquire or accept federal lands when
22 the transfer, acquisition, or acceptance is advantageous
23 to the State and is approved in writing by the Governor.

24 (7) To formulate rules and regulations necessary for
25 the enforcement of any Act administered by the Department.

26 (8) To exchange with the Department of Healthcare and

1 Family Services information that may be necessary for the
2 enforcement of child support orders entered pursuant to the
3 Illinois Public Aid Code, the Illinois Marriage and
4 Dissolution of Marriage Act, the Non-Support of Spouse and
5 Children Act, the Non-Support Punishment Act, the Revised
6 Uniform Reciprocal Enforcement of Support Act, the Uniform
7 Interstate Family Support Act, the Illinois Parentage Act
8 of 1984, or the Illinois Parentage Act of 2015.
9 Notwithstanding any provisions in this Code to the
10 contrary, the Department of Professional Regulation shall
11 not be liable under any federal or State law to any person
12 for any disclosure of information to the Department of
13 Healthcare and Family Services (formerly Illinois
14 Department of Public Aid) under this paragraph (8) or for
15 any other action taken in good faith to comply with the
16 requirements of this paragraph (8).

17 (8.5) To accept continuing education credit for
18 mandated reporter training on how to recognize and report
19 child abuse offered by the Department of Children and
20 Family Services and completed by any person who holds a
21 professional license issued by the Department and who is a
22 mandated reporter under the Abused and Neglected Child
23 Reporting Act. The Department shall adopt any rules
24 necessary to implement this paragraph.

25 (9) To perform other duties prescribed by law.

26 (a-5) Except in ~~cases involving default on an educational~~

1 ~~loan or scholarship provided by or guaranteed by the Illinois~~
2 ~~Student Assistance Commission or any governmental agency of~~
3 ~~this State or in~~ cases involving delinquency in complying with
4 a child support order or violation of the Non-Support
5 Punishment Act and notwithstanding anything that may appear in
6 any individual licensing Act or administrative rule, no person
7 or entity whose license, certificate, or authority has been
8 revoked as authorized in any licensing Act administered by the
9 Department may apply for restoration of that license,
10 certification, or authority until 3 years after the effective
11 date of the revocation.

12 (b) (Blank).

13 (c) For the purpose of securing and preparing evidence, and
14 for the purchase of controlled substances, professional
15 services, and equipment necessary for enforcement activities,
16 recoupment of investigative costs, and other activities
17 directed at suppressing the misuse and abuse of controlled
18 substances, including those activities set forth in Sections
19 504 and 508 of the Illinois Controlled Substances Act, the
20 Director and agents appointed and authorized by the Director
21 may expend sums from the Professional Regulation Evidence Fund
22 that the Director deems necessary from the amounts appropriated
23 for that purpose. Those sums may be advanced to the agent when
24 the Director deems that procedure to be in the public interest.
25 Sums for the purchase of controlled substances, professional
26 services, and equipment necessary for enforcement activities

1 and other activities as set forth in this Section shall be
2 advanced to the agent who is to make the purchase from the
3 Professional Regulation Evidence Fund on vouchers signed by the
4 Director. The Director and those agents are authorized to
5 maintain one or more commercial checking accounts with any
6 State banking corporation or corporations organized under or
7 subject to the Illinois Banking Act for the deposit and
8 withdrawal of moneys to be used for the purposes set forth in
9 this Section; provided, that no check may be written nor any
10 withdrawal made from any such account except upon the written
11 signatures of 2 persons designated by the Director to write
12 those checks and make those withdrawals. Vouchers for those
13 expenditures must be signed by the Director. All such
14 expenditures shall be audited by the Director, and the audit
15 shall be submitted to the Department of Central Management
16 Services for approval.

17 (d) Whenever the Department is authorized or required by
18 law to consider some aspect of criminal history record
19 information for the purpose of carrying out its statutory
20 powers and responsibilities, then, upon request and payment of
21 fees in conformance with the requirements of Section 2605-400
22 of the Department of State Police Law (20 ILCS 2605/2605-400),
23 the Department of State Police is authorized to furnish,
24 pursuant to positive identification, the information contained
25 in State files that is necessary to fulfill the request.

26 (e) The provisions of this Section do not apply to private

1 business and vocational schools as defined by Section 15 of the
2 Private Business and Vocational Schools Act of 2012.

3 (f) (Blank).

4 (g) Notwithstanding anything that may appear in any
5 individual licensing statute or administrative rule, the
6 Department shall deny any license application or renewal
7 authorized under any licensing Act administered by the
8 Department to any person who has failed to file a return, or to
9 pay the tax, penalty, or interest shown in a filed return, or
10 to pay any final assessment of tax, penalty, or interest, as
11 required by any tax Act administered by the Illinois Department
12 of Revenue, until such time as the requirement of any such tax
13 Act are satisfied; however, the Department may issue a license
14 or renewal if the person has established a satisfactory
15 repayment record as determined by the Illinois Department of
16 Revenue. For the purpose of this Section, "satisfactory
17 repayment record" shall be defined by rule.

18 In addition, a complaint filed with the Department by the
19 Illinois Department of Revenue that includes a certification,
20 signed by its Director or designee, attesting to the amount of
21 the unpaid tax liability or the years for which a return was
22 not filed, or both, is prima facie evidence of the licensee's
23 failure to comply with the tax laws administered by the
24 Illinois Department of Revenue. Upon receipt of that
25 certification, the Department shall, without a hearing,
26 immediately suspend all licenses held by the licensee.

1 Enforcement of the Department's order shall be stayed for 60
2 days. The Department shall provide notice of the suspension to
3 the licensee by mailing a copy of the Department's order to the
4 licensee's address of record or emailing a copy of the order to
5 the licensee's email address of record. The notice shall advise
6 the licensee that the suspension shall be effective 60 days
7 after the issuance of the Department's order unless the
8 Department receives, from the licensee, a request for a hearing
9 before the Department to dispute the matters contained in the
10 order.

11 Any suspension imposed under this subsection (g) shall be
12 terminated by the Department upon notification from the
13 Illinois Department of Revenue that the licensee is in
14 compliance with all tax laws administered by the Illinois
15 Department of Revenue.

16 The Department may promulgate rules for the administration
17 of this subsection (g).

18 (h) The Department may grant the title "Retired", to be
19 used immediately adjacent to the title of a profession
20 regulated by the Department, to eligible retirees. For
21 individuals licensed under the Medical Practice Act of 1987,
22 the title "Retired" may be used in the profile required by the
23 Patients' Right to Know Act. The use of the title "Retired"
24 shall not constitute representation of current licensure,
25 registration, or certification. Any person without an active
26 license, registration, or certificate in a profession that

1 requires licensure, registration, or certification shall not
2 be permitted to practice that profession.

3 (i) Within 180 days after December 23, 2009 (the effective
4 date of Public Act 96-852), the Department shall promulgate
5 rules which permit a person with a criminal record, who seeks a
6 license or certificate in an occupation for which a criminal
7 record is not expressly a per se bar, to apply to the
8 Department for a non-binding, advisory opinion to be provided
9 by the Board or body with the authority to issue the license or
10 certificate as to whether his or her criminal record would bar
11 the individual from the licensure or certification sought,
12 should the individual meet all other licensure requirements
13 including, but not limited to, the successful completion of the
14 relevant examinations.

15 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,
16 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;
17 100-262, eff. 8-22-17; revised 10-4-17.)

18 (20 ILCS 2105/2105-207)

19 Sec. 2105-207. Records of Department actions.

20 (a) Any licensee subject to a licensing Act administered by
21 the Division of Professional Regulation and who has been
22 subject to disciplinary action by the Department may file an
23 application with the Department on forms provided by the
24 Department, along with the required fee of \$175, to have the
25 records classified as confidential, not for public release, and

1 considered expunged for reporting purposes if:

2 (1) the application is submitted more than 3 years
3 after the disciplinary offense or offenses occurred or
4 after restoration of the license, whichever is later;

5 (2) the licensee has had no incidents of discipline
6 under the licensing Act since the disciplinary offense or
7 offenses identified in the application occurred;

8 (3) the Department has no pending investigations
9 against the licensee; and

10 (4) the licensee is not currently in a disciplinary
11 status.

12 (b) An application to make disciplinary records
13 confidential shall only be considered by the Department for an
14 offense or action relating to:

15 (1) failure to pay taxes ~~or student loans~~;

16 (2) continuing education;

17 (3) failure to renew a license on time;

18 (4) failure to obtain or renew a certificate of
19 registration or ancillary license;

20 (5) advertising;

21 (5.1) discipline based on criminal charges or
22 convictions:

23 (A) that did not arise from the licensed activity
24 and was unrelated to the licensed activity; or

25 (B) that were dismissed or for which records have
26 been sealed or expunged;

1 (5.2) past probationary status of a license issued to
2 new applicants on the sole or partial basis of prior
3 convictions; or

4 (6) any grounds for discipline removed from the
5 licensing Act.

6 (c) An application shall be submitted to and considered by
7 the Director of the Division of Professional Regulation upon
8 submission of an application and the required non-refundable
9 fee. The Department may establish additional requirements by
10 rule. The Department is not required to report the removal of
11 any disciplinary record to any national database. Nothing in
12 this Section shall prohibit the Department from using a
13 previous discipline for any regulatory purpose or from
14 releasing records of a previous discipline upon request from
15 law enforcement, or other governmental body as permitted by
16 law. Classification of records as confidential shall result in
17 removal of records of discipline from records kept pursuant to
18 Sections 2105-200 and 2105-205 of this Act.

19 (d) Any applicant for licensure or a licensee whose
20 petition for review is granted by the Department pursuant to
21 subsection (a-1) of Section 2105-165 of this Law may file an
22 application with the Department on forms provided by the
23 Department to have records relating to his or her permanent
24 denial or permanent revocation classified as confidential and
25 not for public release and considered expunged for reporting
26 purposes in the same manner and under the same terms as is

1 provided in this Section for the offenses listed in subsection
2 (b) of this Section, except that the requirements of a 7-year
3 waiting period and the \$200 application fee do not apply.
4 (Source: P.A. 100-262, eff. 8-22-17; 100-286, eff. 1-1-18;
5 revised 10-4-17.)

6 (20 ILCS 3310/80 rep.)

7 Section 10. The Nuclear Safety Law of 2004 is amended by
8 repealing Section 80.

9 Section 15. The School Code is amended by changing Section
10 21B-75 as follows:

11 (105 ILCS 5/21B-75)

12 Sec. 21B-75. Suspension or revocation of license.

13 (a) As used in this Section, "teacher" means any school
14 district employee regularly required to be licensed, as
15 provided in this Article, in order to teach or supervise in the
16 public schools.

17 (b) The State Superintendent of Education has the exclusive
18 authority, in accordance with this Section and any rules
19 adopted by the State Board of Education, in consultation with
20 the State Educator Preparation and Licensure Board, to initiate
21 the suspension of up to 5 calendar years or revocation of any
22 license issued pursuant to this Article for abuse or neglect of
23 a child, immorality, a condition of health detrimental to the

1 welfare of pupils, incompetency, unprofessional conduct (which
2 includes the failure to disclose on an employment application
3 any previous conviction for a sex offense, as defined in
4 Section 21B-80 of this Code, or any other offense committed in
5 any other state or against the laws of the United States that,
6 if committed in this State, would be punishable as a sex
7 offense, as defined in Section 21B-80 of this Code), the
8 neglect of any professional duty, willful failure to report an
9 instance of suspected child abuse or neglect as required by the
10 Abused and Neglected Child Reporting Act, ~~failure to establish~~
11 ~~satisfactory repayment on an educational loan guaranteed by the~~
12 ~~Illinois Student Assistance Commission,~~ or other just cause.
13 Unprofessional conduct shall include the refusal to attend or
14 participate in institutes, teachers' meetings, or professional
15 readings or to meet other reasonable requirements of the
16 regional superintendent of schools or State Superintendent of
17 Education. Unprofessional conduct also includes conduct that
18 violates the standards, ethics, or rules applicable to the
19 security, administration, monitoring, or scoring of or the
20 reporting of scores from any assessment test or examination
21 administered under Section 2-3.64a-5 of this Code or that is
22 known or intended to produce or report manipulated or
23 artificial, rather than actual, assessment or achievement
24 results or gains from the administration of those tests or
25 examinations. Unprofessional conduct shall also include
26 neglect or unnecessary delay in the making of statistical and

1 other reports required by school officers. Incompetency shall
2 include, without limitation, 2 or more school terms of service
3 for which the license holder has received an unsatisfactory
4 rating on a performance evaluation conducted pursuant to
5 Article 24A of this Code within a period of 7 school terms of
6 service. In determining whether to initiate action against one
7 or more licenses based on incompetency and the recommended
8 sanction for such action, the State Superintendent shall
9 consider factors that include without limitation all of the
10 following:

11 (1) Whether the unsatisfactory evaluation ratings
12 occurred prior to June 13, 2011 (the effective date of
13 Public Act 97-8).

14 (2) Whether the unsatisfactory evaluation ratings
15 occurred prior to or after the implementation date, as
16 defined in Section 24A-2.5 of this Code, of an evaluation
17 system for teachers in a school district.

18 (3) Whether the evaluator or evaluators who performed
19 an unsatisfactory evaluation met the pre-licensure and
20 training requirements set forth in Section 24A-3 of this
21 Code.

22 (4) The time between the unsatisfactory evaluation
23 ratings.

24 (5) The quality of the remediation plans associated
25 with the unsatisfactory evaluation ratings and whether the
26 license holder successfully completed the remediation

1 plans.

2 (6) Whether the unsatisfactory evaluation ratings were
3 related to the same or different assignments performed by
4 the license holder.

5 (7) Whether one or more of the unsatisfactory
6 evaluation ratings occurred in the first year of a teaching
7 or administrative assignment.

8 When initiating an action against one or more licenses, the
9 State Superintendent may seek required professional
10 development as a sanction in lieu of or in addition to
11 suspension or revocation. Any such required professional
12 development must be at the expense of the license holder, who
13 may use, if available and applicable to the requirements
14 established by administrative or court order, training,
15 coursework, or other professional development funds in
16 accordance with the terms of an applicable collective
17 bargaining agreement entered into after June 13, 2011 (the
18 effective date of Public Act 97-8), unless that agreement
19 specifically precludes use of funds for such purpose.

20 (c) The State Superintendent of Education shall, upon
21 receipt of evidence of abuse or neglect of a child, immorality,
22 a condition of health detrimental to the welfare of pupils,
23 incompetency (subject to subsection (b) of this Section),
24 unprofessional conduct, the neglect of any professional duty,
25 or other just cause, further investigate and, if and as
26 appropriate, serve written notice to the individual and afford

1 the individual opportunity for a hearing prior to suspension,
2 revocation, or other sanction; provided that the State
3 Superintendent is under no obligation to initiate such an
4 investigation if the Department of Children and Family Services
5 is investigating the same or substantially similar allegations
6 and its child protective service unit has not made its
7 determination, as required under Section 7.12 of the Abused and
8 Neglected Child Reporting Act. If the State Superintendent of
9 Education does not receive from an individual a request for a
10 hearing within 10 days after the individual receives notice,
11 the suspension, revocation, or other sanction shall
12 immediately take effect in accordance with the notice. If a
13 hearing is requested within 10 days after notice of an
14 opportunity for hearing, it shall act as a stay of proceedings
15 until the State Educator Preparation and Licensure Board issues
16 a decision. Any hearing shall take place in the educational
17 service region where the educator is or was last employed and
18 in accordance with rules adopted by the State Board of
19 Education, in consultation with the State Educator Preparation
20 and Licensure Board, and such rules shall include without
21 limitation provisions for discovery and the sharing of
22 information between parties prior to the hearing. The standard
23 of proof for any administrative hearing held pursuant to this
24 Section shall be by the preponderance of the evidence. The
25 decision of the State Educator Preparation and Licensure Board
26 is a final administrative decision and is subject to judicial

1 review by appeal of either party.

2 The State Board of Education may refuse to issue or may
3 suspend the license of any person who fails to file a return or
4 to pay the tax, penalty, or interest shown in a filed return or
5 to pay any final assessment of tax, penalty, or interest, as
6 required by any tax Act administered by the Department of
7 Revenue, until such time as the requirements of any such tax
8 Act are satisfied.

9 The exclusive authority of the State Superintendent of
10 Education to initiate suspension or revocation of a license
11 pursuant to this Section does not preclude a regional
12 superintendent of schools from cooperating with the State
13 Superintendent or a State's Attorney with respect to an
14 investigation of alleged misconduct.

15 (d) The State Superintendent of Education or his or her
16 designee may initiate and conduct such investigations as may be
17 reasonably necessary to establish the existence of any alleged
18 misconduct. At any stage of the investigation, the State
19 Superintendent may issue a subpoena requiring the attendance
20 and testimony of a witness, including the license holder, and
21 the production of any evidence, including files, records,
22 correspondence, or documents, relating to any matter in
23 question in the investigation. The subpoena shall require a
24 witness to appear at the State Board of Education at a
25 specified date and time and shall specify any evidence to be
26 produced. The license holder is not entitled to be present, but

1 the State Superintendent shall provide the license holder with
2 a copy of any recorded testimony prior to a hearing under this
3 Section. Such recorded testimony must not be used as evidence
4 at a hearing, unless the license holder has adequate notice of
5 the testimony and the opportunity to cross-examine the witness.
6 Failure of a license holder to comply with a duly issued,
7 investigatory subpoena may be grounds for revocation,
8 suspension, or denial of a license.

9 (e) All correspondence, documentation, and other
10 information so received by the regional superintendent of
11 schools, the State Superintendent of Education, the State Board
12 of Education, or the State Educator Preparation and Licensure
13 Board under this Section is confidential and must not be
14 disclosed to third parties, except (i) as necessary for the
15 State Superintendent of Education or his or her designee to
16 investigate and prosecute pursuant to this Article, (ii)
17 pursuant to a court order, (iii) for disclosure to the license
18 holder or his or her representative, or (iv) as otherwise
19 required in this Article and provided that any such information
20 admitted into evidence in a hearing is exempt from this
21 confidentiality and non-disclosure requirement.

22 (f) The State Superintendent of Education or a person
23 designated by him or her shall have the power to administer
24 oaths to witnesses at any hearing conducted before the State
25 Educator Preparation and Licensure Board pursuant to this
26 Section. The State Superintendent of Education or a person

1 designated by him or her is authorized to subpoena and bring
2 before the State Educator Preparation and Licensure Board any
3 person in this State and to take testimony either orally or by
4 deposition or by exhibit, with the same fees and mileage and in
5 the same manner as prescribed by law in judicial proceedings in
6 civil cases in circuit courts of this State.

7 (g) Any circuit court, upon the application of the State
8 Superintendent of Education or the license holder, may, by
9 order duly entered, require the attendance of witnesses and the
10 production of relevant books and papers as part of any
11 investigation or at any hearing the State Educator Preparation
12 and Licensure Board is authorized to conduct pursuant to this
13 Section, and the court may compel obedience to its orders by
14 proceedings for contempt.

15 (h) The State Board of Education shall receive an annual
16 line item appropriation to cover fees associated with the
17 investigation and prosecution of alleged educator misconduct
18 and hearings related thereto.

19 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.
20 6-13-11; 97-813, eff. 7-13-12; 98-972, eff. 8-15-14.)

21 Section 20. The Illinois Insurance Code is amended by
22 changing Section 500-70 as follows:

23 (215 ILCS 5/500-70)

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

1 Sec. 500-70. License denial, nonrenewal, or revocation.

2 (a) The Director may place on probation, suspend, revoke,
3 or refuse to issue or renew an insurance producer's license or
4 may levy a civil penalty in accordance with this Section or
5 take any combination of actions, for any one or more of the
6 following causes:

7 (1) providing incorrect, misleading, incomplete, or
8 materially untrue information in the license application;

9 (2) violating any insurance laws, or violating any
10 rule, subpoena, or order of the Director or of another
11 state's insurance commissioner;

12 (3) obtaining or attempting to obtain a license through
13 misrepresentation or fraud;

14 (4) improperly withholding, misappropriating or
15 converting any moneys or properties received in the course
16 of doing insurance business;

17 (5) intentionally misrepresenting the terms of an
18 actual or proposed insurance contract or application for
19 insurance;

20 (6) having been convicted of a felony, unless the
21 individual demonstrates to the Director sufficient
22 rehabilitation to warrant the public trust; consideration
23 of such conviction of an applicant shall be in accordance
24 with Section 500-76;

25 (7) having admitted or been found to have committed any
26 insurance unfair trade practice or fraud;

1 (8) using fraudulent, coercive, or dishonest
2 practices, or demonstrating incompetence,
3 untrustworthiness or financial irresponsibility in the
4 conduct of business in this State or elsewhere;

5 (9) having an insurance producer license, or its
6 equivalent, denied, suspended, or revoked in any other
7 state, province, district or territory;

8 (10) forging a name to an application for insurance or
9 to a document related to an insurance transaction;

10 (11) improperly using notes or any other reference
11 material to complete an examination for an insurance
12 license;

13 (12) knowingly accepting insurance business from an
14 individual who is not licensed;

15 (13) failing to comply with an administrative or court
16 order imposing a child support obligation;

17 (14) failing to pay state income tax or penalty or
18 interest or comply with any administrative or court order
19 directing payment of state income tax or failed to file a
20 return or to pay any final assessment of any tax due to the
21 Department of Revenue;

22 (15) (blank); or ~~failing to make satisfactory~~
23 ~~repayment to the Illinois Student Assistance Commission~~
24 ~~for a delinquent or defaulted student loan; or~~

25 (16) failing to comply with any provision of the
26 Viatical Settlements Act of 2009.

1 (b) If the action by the Director is to nonrenew, suspend,
2 or revoke a license or to deny an application for a license,
3 the Director shall notify the applicant or licensee and advise,
4 in writing, the applicant or licensee of the reason for the
5 suspension, revocation, denial or nonrenewal of the
6 applicant's or licensee's license. The applicant or licensee
7 may make written demand upon the Director within 30 days after
8 the date of mailing for a hearing before the Director to
9 determine the reasonableness of the Director's action. The
10 hearing must be held within not fewer than 20 days nor more
11 than 30 days after the mailing of the notice of hearing and
12 shall be held pursuant to 50 Ill. Adm. Code 2402.

13 (c) The license of a business entity may be suspended,
14 revoked, or refused if the Director finds, after hearing, that
15 an individual licensee's violation was known or should have
16 been known by one or more of the partners, officers, or
17 managers acting on behalf of the partnership, corporation,
18 limited liability company, or limited liability partnership
19 and the violation was neither reported to the Director nor
20 corrective action taken.

21 (d) In addition to or instead of any applicable denial,
22 suspension, or revocation of a license, a person may, after
23 hearing, be subject to a civil penalty of up to \$10,000 for
24 each cause for denial, suspension, or revocation, however, the
25 civil penalty may total no more than \$100,000.

26 (e) The Director has the authority to enforce the

1 provisions of and impose any penalty or remedy authorized by
2 this Article against any person who is under investigation for
3 or charged with a violation of this Code or rules even if the
4 person's license or registration has been surrendered or has
5 lapsed by operation of law.

6 (f) Upon the suspension, denial, or revocation of a
7 license, the licensee or other person having possession or
8 custody of the license shall promptly deliver it to the
9 Director in person or by mail. The Director shall publish all
10 suspensions, denials, or revocations after the suspensions,
11 denials, or revocations become final in a manner designed to
12 notify interested insurance companies and other persons.

13 (g) A person whose license is revoked or whose application
14 is denied pursuant to this Section is ineligible to apply for
15 any license for 3 years after the revocation or denial. A
16 person whose license as an insurance producer has been revoked,
17 suspended, or denied may not be employed, contracted, or
18 engaged in any insurance related capacity during the time the
19 revocation, suspension, or denial is in effect.

20 (Source: P.A. 100-286, eff. 1-1-18.)

21 Section 25. The Dietitian Nutritionist Practice Act is
22 amended by changing Section 95 as follows:

23 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

1 Sec. 95. Grounds for discipline.

2 (1) The Department may refuse to issue or renew, or may
3 revoke, suspend, place on probation, reprimand, or take other
4 disciplinary or non-disciplinary action as the Department may
5 deem appropriate, including imposing fines not to exceed
6 \$10,000 for each violation, with regard to any license or
7 certificate for any one or combination of the following causes:

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

10 (b) Violations of this Act or of rules adopted under
11 this Act.

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

21 (d) Fraud or any misrepresentation in applying for or
22 procuring a license under this Act or in connection with
23 applying for renewal of a license under this Act.

24 (e) Professional incompetence or gross negligence.

25 (f) Malpractice.

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

1 provision of this Act or its rules.

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

4 (i) Engaging in dishonorable, unethical or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

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

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

15 (l) Charging for professional services not rendered,
16 including filing false statements for the collection of
17 fees for which services are not rendered. Nothing in this
18 paragraph (1) affects any bona fide independent contractor
19 or employment arrangements among health care
20 professionals, health facilities, health care providers,
21 or other entities, except as otherwise prohibited by law.
22 Any employment arrangements may include provisions for
23 compensation, health insurance, pension, or other
24 employment benefits for the provision of services within
25 the scope of the licensee's practice under this Act.
26 Nothing in this paragraph (1) shall be construed to require

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

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

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

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

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

13 (q) Gross and willful overcharging for professional
14 services.

15 (r) (Blank).

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

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

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

24 (v) Physical illness, including, but not limited to,
25 deterioration through the aging process or loss of motor
26 skill that results in a licensee's inability to practice

1 under this Act with reasonable judgment, skill, or safety.

2 (w) Advising an individual to discontinue, reduce,
3 increase, or otherwise alter the intake of a drug
4 prescribed by a physician licensed to practice medicine in
5 all its branches or by a prescriber as defined in Section
6 102 of the Illinois Controlled Substances Act.

7 (2) The Department may refuse to issue or may suspend
8 without hearing, as provided for in the Code of Civil
9 Procedure, the license of any person who fails to file a
10 return, or pay the tax, penalty, or interest shown in a filed
11 return, or pay any final assessment of the tax, penalty, or
12 interest as required by any tax Act administered by the
13 Illinois Department of Revenue, until such time as the
14 requirements of any such tax Act are satisfied in accordance
15 with subsection (g) of Section 2105-15 of the Civil
16 Administrative Code of Illinois.

17 (3) (Blank). ~~The Department shall deny a license or renewal~~
18 ~~authorized by this Act to a person who has defaulted on an~~
19 ~~educational loan or scholarship provided or guaranteed by the~~
20 ~~Illinois Student Assistance Commission or any governmental~~
21 ~~agency of this State in accordance with item (5) of subsection~~
22 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
23 ~~Illinois.~~

24 (4) In cases where the Department of Healthcare and Family
25 Services has previously determined a licensee or a potential
26 licensee is more than 30 days delinquent in the payment of

1 child support and has subsequently certified the delinquency to
2 the Department, the Department may refuse to issue or renew or
3 may revoke or suspend that person's license or may take other
4 disciplinary action against that person based solely upon the
5 certification of delinquency made by the Department of
6 Healthcare and Family Services in accordance with item (5) of
7 subsection (a) of Section 2105-15 of the Civil Administrative
8 Code of Illinois.

9 (5) The determination by a circuit court that a licensee is
10 subject to involuntary admission or judicial admission, as
11 provided in the Mental Health and Developmental Disabilities
12 Code, operates as an automatic suspension. The suspension shall
13 end only upon a finding by a court that the patient is no
14 longer subject to involuntary admission or judicial admission
15 and the issuance of an order so finding and discharging the
16 patient.

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

1 examining physician. The examining physicians shall be
2 specifically designated by the Department. The individual to be
3 examined may have, at his or her own expense, another physician
4 of his or her choice present during all aspects of this
5 examination. The examination shall be performed by a physician
6 licensed to practice medicine in all its branches. Failure of
7 an individual to submit to a mental or physical examination,
8 when directed, shall result in an automatic suspension without
9 hearing.

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

1 Fines shall not be assessed in disciplinary actions involving
2 physical or mental illness or impairment.

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

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

17 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
18 98-756, eff. 7-16-14.)

19 Section 30. The Environmental Health Practitioner
20 Licensing Act is amended by changing Section 35 as follows:

21 (225 ILCS 37/35)

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

23 Sec. 35. Grounds for discipline.

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

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

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

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

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

13 (4) Making any misrepresentation for the purpose of
14 obtaining a certificate of registration.

15 (5) Professional incompetence.

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

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

20 (8) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public as defined by rules of the
23 Department.

24 (9) Habitual or excessive use or addiction to alcohol,
25 narcotics, stimulants, or any other chemical agent or drug
26 that results in an environmental health practitioner's

1 inability to practice with reasonable judgment, skill, or
2 safety.

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

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

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

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

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

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

1 ~~determined by the Illinois Student Assistance Commission.~~

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

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

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

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

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

18 (c) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission to a
20 mental health facility as provided in the Mental Health and
21 Developmental Disabilities Code operates as an automatic
22 suspension. The suspension may end only upon a finding by a
23 court that the licensee is no longer subject to involuntary
24 admission or judicial admission, the issuance of an order so
25 finding and discharging the patient, and the recommendation of
26 the Board to the Director that the licensee be allowed to

1 resume practice.

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

22 If the Department finds an individual unable to practice
23 because of the reasons set forth in this Section, the
24 Department may require that individual to submit to care,
25 counseling, or treatment by physicians approved or designated
26 by the Department, as a condition, term, or restriction for

1 continued, reinstated, or renewed licensure to practice or, in
2 lieu of care, counseling, or treatment, the Department may file
3 a complaint to immediately suspend, revoke, or otherwise
4 discipline the license of the individual.

5 Any person whose license was granted, continued,
6 reinstated, renewed, disciplined, or supervised subject to
7 such terms, conditions, or restrictions and who fails to comply
8 with such terms, conditions, or restrictions shall be referred
9 to the Director for a determination as to whether the person
10 shall have his or her license suspended immediately, pending a
11 hearing by the Department.

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

21 A person licensed under this Act and affected under this
22 Section shall be afforded an opportunity to demonstrate to the
23 Department that he or she can resume practice in compliance
24 with acceptable and prevailing standards under the provisions
25 of his or her license.

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

1 Section 35. The Funeral Directors and Embalmers Licensing
2 Code is amended by changing Section 15-75 as follows:

3 (225 ILCS 41/15-75)

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

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

6 (a) Each of the following acts is a Class A misdemeanor for
7 the first offense, and a Class 4 felony for each subsequent
8 offense. These penalties shall also apply to unlicensed owners
9 of funeral homes.

10 (1) Practicing the profession of funeral directing and
11 embalming or funeral directing, or attempting to practice
12 the profession of funeral directing and embalming or
13 funeral directing without a license as a funeral director
14 and embalmer or funeral director.

15 (2) Serving or attempting to serve as an intern under a
16 licensed funeral director and embalmer without a license as
17 a licensed funeral director and embalmer intern.

18 (3) Obtaining or attempting to obtain a license,
19 practice or business, or any other thing of value, by fraud
20 or misrepresentation.

21 (4) Permitting any person in one's employ, under one's
22 control or in or under one's service to serve as a funeral
23 director and embalmer, funeral director, or funeral
24 director and embalmer intern when the person does not have

1 the appropriate license.

2 (5) Failing to display a license as required by this
3 Code.

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

6 (b) The Department may refuse to issue or renew, revoke,
7 suspend, place on probation or administrative supervision,
8 reprimand, or take other disciplinary or non-disciplinary
9 action as the Department may deem appropriate, including
10 imposing fines not to exceed \$10,000 for each violation, with
11 regard to any license under the Code for any one or combination
12 of the following:

13 (1) Fraud or any misrepresentation in applying for or
14 procuring a license under this Code or in connection with
15 applying for renewal of a license under this Code.

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

1 (3) Violation of the laws of this State relating to the
2 funeral, burial or disposition of deceased human bodies or
3 of the rules and regulations of the Department, or the
4 Department of Public Health.

5 (4) Directly or indirectly paying or causing to be paid
6 any sum of money or other valuable consideration for the
7 securing of business or for obtaining authority to dispose
8 of any deceased human body.

9 (5) Professional incompetence, gross negligence,
10 malpractice, or untrustworthiness in the practice of
11 funeral directing and embalming or funeral directing.

12 (6) (Blank).

13 (7) Engaging in, promoting, selling, or issuing burial
14 contracts, burial certificates, or burial insurance
15 policies in connection with the profession as a funeral
16 director and embalmer, funeral director, or funeral
17 director and embalmer intern in violation of any laws of
18 the State of Illinois.

19 (8) Refusing, without cause, to surrender the custody
20 of a deceased human body upon the proper request of the
21 person or persons lawfully entitled to the custody of the
22 body.

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

25 (10) Engaging in funeral directing and embalming or
26 funeral directing without a license.

1 (11) Encouraging, requesting, or suggesting by a
2 licensee or some person working on his behalf and with his
3 consent for compensation that a person utilize the services
4 of a certain funeral director and embalmer, funeral
5 director, or funeral establishment unless that information
6 has been expressly requested by the person. This does not
7 prohibit general advertising or pre-need solicitation.

8 (12) Making or causing to be made any false or
9 misleading statements about the laws concerning the
10 disposition of human remains, including, but not limited
11 to, the need to embalm, the need for a casket for cremation
12 or the need for an outer burial container.

13 (13) (Blank).

14 (14) Embalming or attempting to embalm a deceased human
15 body without express prior authorization of the person
16 responsible for making the funeral arrangements for the
17 body. This does not apply to cases where embalming is
18 directed by local authorities who have jurisdiction or when
19 embalming is required by State or local law. A licensee may
20 embalm without express prior authorization if a good faith
21 effort has been made to contact family members and has been
22 unsuccessful and the licensee has no reason to believe the
23 family opposes embalming.

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

1 (16) Soliciting human bodies after death or while death
2 is imminent.

3 (17) Performing any act or practice that is a violation
4 of this Code, the rules for the administration of this
5 Code, or any federal, State or local laws, rules, or
6 regulations governing the practice of funeral directing or
7 embalming.

8 (18) Performing any act or practice that is a violation
9 of Section 2 of the Consumer Fraud and Deceptive Business
10 Practices Act.

11 (19) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public.

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

20 (21) Advertising in a false or misleading manner or
21 advertising using the name of an unlicensed person in
22 connection with any service being rendered in the practice
23 of funeral directing or funeral directing and embalming.
24 The use of any name of an unlicensed or unregistered person
25 in an advertisement so as to imply that the person will
26 perform services is considered misleading advertising.

1 Nothing in this paragraph shall prevent including the name
2 of any owner, officer or corporate director of a funeral
3 home, who is not a licensee, in any advertisement used by a
4 funeral home with which the individual is affiliated, if
5 the advertisement specifies the individual's affiliation
6 with the funeral home.

7 (22) Charging for professional services not rendered,
8 including filing false statements for the collection of
9 fees for which services are not rendered.

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

13 (24) Treating any person differently to his detriment
14 because of race, color, creed, gender, religion, or
15 national origin.

16 (25) Knowingly making any false statements, oral or
17 otherwise, of a character likely to influence, persuade or
18 induce others in the course of performing professional
19 services or activities.

20 (26) Willfully making or filing false records or
21 reports in the practice of funeral directing and embalming,
22 including, but not limited to, false records filed with
23 State agencies or departments.

24 (27) Failing to acquire continuing education required
25 under this Code.

26 (28) (Blank).

1 (29) Aiding or assisting another person in violating
2 any provision of this Code or rules adopted pursuant to
3 this Code.

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

6 (31) Discipline by another state, District of
7 Columbia, territory, foreign nation, or governmental
8 agency, if at least one of the grounds for the discipline
9 is the same or substantially equivalent to those set forth
10 in this Section.

11 (32) (Blank).

12 (33) Mental illness or disability which results in the
13 inability to practice the profession with reasonable
14 judgment, skill, or safety.

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

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

22 (36) Failing to comply with any of the following
23 required activities:

24 (A) When reasonably possible, a funeral director
25 licensee or funeral director and embalmer licensee or
26 anyone acting on his or her behalf shall obtain the

1 express authorization of the person or persons
2 responsible for making the funeral arrangements for a
3 deceased human body prior to removing a body from the
4 place of death or any place it may be or embalming or
5 attempting to embalm a deceased human body, unless
6 required by State or local law. This requirement is
7 waived whenever removal or embalming is directed by
8 local authorities who have jurisdiction. If the
9 responsibility for the handling of the remains
10 lawfully falls under the jurisdiction of a public
11 agency, then the regulations of the public agency shall
12 prevail.

13 (B) A licensee shall clearly mark the price of any
14 casket offered for sale or the price of any service
15 using the casket on or in the casket if the casket is
16 displayed at the funeral establishment. If the casket
17 is displayed at any other location, regardless of
18 whether the licensee is in control of that location,
19 the casket shall be clearly marked and the registrant
20 shall use books, catalogues, brochures, or other
21 printed display aids to show the price of each casket
22 or service.

23 (C) At the time funeral arrangements are made and
24 prior to rendering the funeral services, a licensee
25 shall furnish a written statement of services to be
26 retained by the person or persons making the funeral

1 arrangements, signed by both parties, that shall
2 contain: (i) the name, address and telephone number of
3 the funeral establishment and the date on which the
4 arrangements were made; (ii) the price of the service
5 selected and the services and merchandise included for
6 that price; (iii) a clear disclosure that the person or
7 persons making the arrangement may decline and receive
8 credit for any service or merchandise not desired and
9 not required by law or the funeral director or the
10 funeral director and embalmer; (iv) the supplemental
11 items of service and merchandise requested and the
12 price of each item; (v) the terms or method of payment
13 agreed upon; and (vi) a statement as to any monetary
14 advances made by the registrant on behalf of the
15 family. The licensee shall maintain a copy of the
16 written statement of services in its permanent
17 records. All written statements of services are
18 subject to inspection by the Department.

19 (D) In all instances where the place of final
20 disposition of a deceased human body or the cremated
21 remains of a deceased human body is a cemetery, the
22 licensed funeral director and embalmer, or licensed
23 funeral director, who has been engaged to provide
24 funeral or embalming services shall remain at the
25 cemetery and personally witness the placement of the
26 human remains in their designated grave or the sealing

1 of the above ground depository, crypt, or urn. The
2 licensed funeral director or licensed funeral director
3 and embalmer may designate a licensed funeral director
4 and embalmer intern or representative of the funeral
5 home to be his or her witness to the placement of the
6 remains. If the cemetery authority, cemetery manager,
7 or any other agent of the cemetery takes any action
8 that prevents compliance with this paragraph (D), then
9 the funeral director and embalmer or funeral director
10 shall provide written notice to the Department within 5
11 business days after failing to comply. If the
12 Department receives this notice, then the Department
13 shall not take any disciplinary action against the
14 funeral director and embalmer or funeral director for a
15 violation of this paragraph (D) unless the Department
16 finds that the cemetery authority, manager, or any
17 other agent of the cemetery did not prevent the funeral
18 director and embalmer or funeral director from
19 complying with this paragraph (D) as claimed in the
20 written notice.

21 (E) A funeral director or funeral director and
22 embalmer shall fully complete the portion of the
23 Certificate of Death under the responsibility of the
24 funeral director or funeral director and embalmer and
25 provide all required information. In the event that any
26 reported information subsequently changes or proves

1 incorrect, a funeral director or funeral director and
2 embalmer shall immediately upon learning the correct
3 information correct the Certificate of Death.

4 (37) A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status or subjected to conditions or restrictions,
7 violated the terms of the probation or failed to comply
8 with such terms or conditions.

9 (38) (Blank).

10 (39) Being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 pursuant to the Abused and Neglected Child Reporting Act
13 and, upon proof by clear and convincing evidence, being
14 found to have caused a child to be an abused child or
15 neglected child as defined in the Abused and Neglected
16 Child Reporting Act.

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

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

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

25 (c) The Department may refuse to issue or renew or may
26 suspend without a hearing, as provided for in the Department of

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois, the license of any person who fails to file a return,
3 to pay the tax, penalty or interest shown in a filed return, or
4 to pay any final assessment of tax, penalty or interest as
5 required by any tax Act administered by the Illinois Department
6 of Revenue, until the time as the requirements of the tax Act
7 are satisfied in accordance with subsection (g) of Section
8 2105-15 of the Department of Professional Regulation Law of the
9 Civil Administrative Code of Illinois.

10 (d) No action may be taken under this Code against a person
11 licensed under this Code unless the action is commenced within
12 5 years after the occurrence of the alleged violations. A
13 continuing violation shall be deemed to have occurred on the
14 date when the circumstances last existed that give rise to the
15 alleged violation.

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

26 (f) All fines imposed under this Section shall be paid 60

1 days after the effective date of the order imposing the fine.

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

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

21 (i) A person not licensed under this Code who is an owner
22 of a funeral establishment or funeral business shall not aid,
23 abet, assist, procure, advise, employ, or contract with any
24 unlicensed person to offer funeral services or aid, abet,
25 assist, or direct any licensed person contrary to or in
26 violation of any rules or provisions of this Code. A person

1 violating this subsection shall be treated as a licensee for
2 the purposes of disciplinary action under this Section and
3 shall be subject to cease and desist orders as provided in this
4 Code, the imposition of a fine up to \$10,000 for each violation
5 and any other penalty provided by law.

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

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

1 specifically designated by the Department. The individual to be
2 examined may have, at his or her own expense, another physician
3 of his or her choice present during all aspects of this
4 examination. The examination shall be performed by a physician
5 licensed to practice medicine in all its branches. Failure of
6 an individual to submit to a mental or physical examination,
7 when directed, shall result in an automatic suspension without
8 hearing.

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

1 physical or mental illness or impairment.

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

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

16 (Source: P.A. 99-876, eff. 1-1-17; 100-201, eff. 8-18-17.)

17 Section 40. The Marriage and Family Therapy Licensing Act
18 is amended by changing Section 85 as follows:

19 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

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

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

22 (a) The Department may refuse to issue or renew a license,
23 or may revoke, suspend, reprimand, place on probation, or take
24 any other disciplinary or non-disciplinary action as the

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

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

7 (2) Violation of any provision of this Act or its
8 rules.

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

18 (4) Fraud or misrepresentation in applying for or
19 procuring a license under this Act or in connection with
20 applying for renewal or restoration of a license under this
21 Act or its rules.

22 (5) Professional incompetence.

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

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

26 (8) Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

2 (9) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public as defined by the rules of the
5 Department, or violating the rules of professional conduct
6 adopted by the Department.

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

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

14 (12) 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 services not actually or personally
18 rendered. Nothing in this paragraph (12) affects any bona
19 fide independent contractor or employment arrangements
20 among health care professionals, health facilities, health
21 care 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 (12) shall be construed to

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

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

7 (14) Abandonment of a patient without cause.

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

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

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

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

26 (19) Solicitation of professional services by using

1 false or misleading advertising.

2 (20) A pattern of practice or other behavior that
3 demonstrates incapacity or incompetence to practice under
4 this Act.

5 (21) Practicing under a false or assumed name, except
6 as provided by law.

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

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

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

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

19 (26) Being named as an abuser in a verified report by
20 the Department on Aging and under the Adult Protective
21 Services Act and upon proof by clear and convincing
22 evidence that the licensee abused, neglected, or
23 financially exploited an eligible adult as defined in the
24 Adult Protective Services Act.

25 (b) (Blank). ~~The Department shall deny any application for~~
26 ~~a license or renewal, without hearing, under this Act to any~~

1 ~~person who has defaulted on an educational loan guaranteed by~~
2 ~~the Illinois Student Assistance Commission; however, the~~
3 ~~Department may issue a license or renewal if the person in~~
4 ~~default has established a satisfactory repayment record as~~
5 ~~determined by the Illinois Student Assistance Commission.~~

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

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

23 (e) In enforcing this Section, the Department or Board upon
24 a showing of a possible violation may compel an individual
25 licensed to practice under this Act, or who has applied for
26 licensure under this Act, to submit to a mental or physical

1 examination, or both, which may include a substance abuse or
2 sexual offender evaluation, as required by and at the expense
3 of the Department.

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

22 The Department may order the examining physician or any
23 member of the multidisciplinary team to provide to the
24 Department any and all records, including business records,
25 that relate to the examination and evaluation, including any
26 supplemental testing performed.

1 The Department or Board may order the examining physician
2 or any member of the multidisciplinary team to present
3 testimony concerning the mental or physical examination of the
4 licensee or applicant. No information, report, record, or other
5 documents in any way related to the examination shall be
6 excluded by reason of any common law or statutory privilege
7 relating to communications between the licensee or applicant
8 and the examining physician or any member of the
9 multidisciplinary team. No authorization is necessary from the
10 licensee or applicant ordered to undergo an examination for the
11 examining physician or any member of the multidisciplinary team
12 to provide information, reports, records, or other documents or
13 to provide any testimony regarding the examination and
14 evaluation.

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

20 Failure of an individual to submit to a mental or physical
21 examination, when ordered, shall result in an automatic
22 suspension of his or her license until the individual submits
23 to the examination.

24 If the Department or Board finds an individual unable to
25 practice because of the reasons set forth in this Section, the
26 Department or Board may require that individual to submit to

1 care, counseling, or treatment by physicians approved or
2 designated by the Department or Board, as a condition, term, or
3 restriction for continued, reinstated, or renewed licensure to
4 practice; or, in lieu of care, counseling, or treatment, the
5 Department may file, or the Board may recommend to the
6 Department to file, a complaint to immediately suspend, revoke,
7 or otherwise discipline the license of the individual. An
8 individual whose license was granted, continued, reinstated,
9 renewed, disciplined or supervised subject to such terms,
10 conditions, or restrictions, and who fails to comply with such
11 terms, conditions, or restrictions, shall be referred to the
12 Secretary for a determination as to whether the individual
13 shall have his or her license suspended immediately, pending a
14 hearing by the Department.

15 In instances in which the Secretary immediately suspends a
16 person's license under this Section, a hearing on that person's
17 license must be convened by the Department within 30 days after
18 the suspension and completed without appreciable delay. The
19 Department and Board shall have the authority to review the
20 subject individual's record of treatment and counseling
21 regarding the impairment to the extent permitted by applicable
22 federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under
25 this Section shall be afforded an opportunity to demonstrate to
26 the Department or Board that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the
2 provisions of his or her license.

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

6 (Source: P.A. 100-372, eff. 8-25-17.)

7 Section 45. The Massage Licensing Act is amended by
8 changing Section 45 as follows:

9 (225 ILCS 57/45)

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

11 Sec. 45. Grounds for discipline.

12 (a) The Department may refuse to issue or renew, or may
13 revoke, suspend, place on probation, reprimand, or take other
14 disciplinary or non-disciplinary action, as the Department
15 considers appropriate, including the imposition of fines not to
16 exceed \$10,000 for each violation, with regard to any license
17 or licensee for any one or more of the following:

18 (1) violations of this Act or of the rules adopted
19 under this Act;

20 (2) conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States: (i) that
2 is a felony; or (ii) that is a misdemeanor, an essential
3 element of which is dishonesty, or that is directly related
4 to the practice of the profession;

5 (3) professional incompetence;

6 (4) advertising in a false, deceptive, or misleading
7 manner;

8 (5) aiding, abetting, assisting, procuring, advising,
9 employing, or contracting with any unlicensed person to
10 practice massage contrary to any rules or provisions of
11 this Act;

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

15 (7) engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public;

18 (8) practicing or offering to practice beyond the scope
19 permitted by law or accepting and performing professional
20 responsibilities which the licensee knows or has reason to
21 know that he or she is not competent to perform;

22 (9) knowingly delegating professional responsibilities
23 to a person unqualified by training, experience, or
24 licensure to perform;

25 (10) failing to provide information in response to a
26 written request made by the Department within 60 days;

1 (11) having a habitual or excessive use of or addiction
2 to alcohol, narcotics, stimulants, or any other chemical
3 agent or drug which results in the inability to practice
4 with reasonable judgment, skill, or safety;

5 (12) having a pattern of practice or other behavior
6 that demonstrates incapacity or incompetence to practice
7 under this Act;

8 (13) discipline by another state, District of
9 Columbia, territory, or foreign nation, if at least one of
10 the grounds for the discipline is the same or substantially
11 equivalent to those set forth in this Section;

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

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

18 (16) making a material misstatement in furnishing
19 information to the Department or otherwise making
20 misleading, deceptive, untrue, or fraudulent
21 representations in violation of this Act or otherwise in
22 the practice of the profession;

23 (17) fraud or misrepresentation in applying for or
24 procuring a license under this Act or in connection with
25 applying for renewal of a license under this Act;

26 (18) inability to practice the profession with

1 reasonable judgment, skill, or safety as a result of
2 physical illness, including, but not limited to,
3 deterioration through the aging process, loss of motor
4 skill, or a mental illness or disability;

5 (19) charging for professional services not rendered,
6 including filing false statements for the collection of
7 fees for which services are not rendered;

8 (20) practicing under a false or, except as provided by
9 law, an assumed name; or

10 (21) cheating on or attempting to subvert the licensing
11 examination administered under this Act.

12 All fines shall be paid within 60 days of the effective
13 date of the order imposing the fine.

14 (b) A person not licensed under this Act and engaged in the
15 business of offering massage therapy services through others,
16 shall not aid, abet, assist, procure, advise, employ, or
17 contract with any unlicensed person to practice massage therapy
18 contrary to any rules or provisions of this Act. A person
19 violating this subsection (b) shall be treated as a licensee
20 for the purposes of disciplinary action under this Section and
21 shall be subject to cease and desist orders as provided in
22 Section 90 of this Act.

23 (c) The Department shall revoke any license issued under
24 this Act of any person who is convicted of prostitution, rape,
25 sexual misconduct, or any crime that subjects the licensee to
26 compliance with the requirements of the Sex Offender

1 Registration Act and any such conviction shall operate as a
2 permanent bar in the State of Illinois to practice as a massage
3 therapist.

4 (d) The Department may refuse to issue or may suspend the
5 license of any person who fails to file a tax return, to pay
6 the tax, penalty, or interest shown in a filed tax return, or
7 to pay any final assessment of tax, penalty, or interest, as
8 required by any tax Act administered by the Illinois Department
9 of Revenue, until such time as the requirements of the tax Act
10 are satisfied in accordance with subsection (g) of Section
11 2105-15 of the Civil Administrative Code of Illinois.

12 (e) (Blank). ~~The Department shall deny a license or renewal~~
13 ~~authorized by this Act to a person who has defaulted on an~~
14 ~~educational loan or scholarship provided or guaranteed by the~~
15 ~~Illinois Student Assistance Commission or any governmental~~
16 ~~agency of this State in accordance with item (5) of subsection~~
17 ~~(a) of Section 2105 15 of the Civil Administrative Code of~~
18 ~~Illinois.~~

19 (f) In cases where the Department of Healthcare and Family
20 Services has previously determined that a licensee or a
21 potential licensee is more than 30 days delinquent in the
22 payment of child support and has subsequently certified the
23 delinquency to the Department, the Department may refuse to
24 issue or renew or may revoke or suspend that person's license
25 or may take other disciplinary action against that person based
26 solely upon the certification of delinquency made by the

1 Department of Healthcare and Family Services in accordance with
2 item (5) of subsection (a) of Section 2105-15 of the Civil
3 Administrative Code of Illinois.

4 (g) The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission, as
6 provided in the Mental Health and Developmental Disabilities
7 Code, operates as an automatic suspension. The suspension will
8 end only upon a finding by a court that the patient is no
9 longer subject to involuntary admission or judicial admission
10 and the issuance of a court order so finding and discharging
11 the patient.

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

1 shall be performed by a physician licensed to practice medicine
2 in all its branches. Failure of an individual to submit to a
3 mental or physical examination, when directed, shall result in
4 an automatic suspension without hearing.

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

24 In instances in which the Secretary immediately suspends a
25 person's license under this Section, a hearing on that person's
26 license must be convened by the Department within 15 days after

1 the suspension and completed without appreciable delay. The
2 Department and Board shall have the authority to review the
3 subject individual's record of treatment and counseling
4 regarding the impairment to the extent permitted by applicable
5 federal statutes and regulations safeguarding the
6 confidentiality of medical records.

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

12 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

13 Section 50. The Naprapathic Practice Act is amended by
14 changing Section 110 as follows:

15 (225 ILCS 63/110)

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

17 Sec. 110. Grounds for disciplinary action; refusal,
18 revocation, suspension.

19 (a) The Department may refuse to issue or to renew, or may
20 revoke, suspend, place on probation, reprimand or take other
21 disciplinary or non-disciplinary action as the Department may
22 deem appropriate, including imposing fines not to exceed
23 \$10,000 for each violation, with regard to any licensee or
24 license for any one or combination of the following causes:

1 (1) Violations of this Act or of rules adopted under
2 this Act.

3 (2) Material misstatement in furnishing information to
4 the Department.

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

14 (4) Fraud or any misrepresentation in applying for or
15 procuring a license under this Act or in connection with
16 applying for renewal of a license under this Act.

17 (5) Professional incompetence or gross negligence.

18 (6) Malpractice.

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

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

23 (9) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (10) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, alcohol, or any
2 other substance which results in the inability to practice
3 with reasonable judgment, skill, or safety.

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

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

1 fees for services rendered.

2 (13) Using the title "Doctor" or its abbreviation
3 without further clarifying that title or abbreviation with
4 the word "naprapath" or "naprapathy" or the designation
5 "D.N.".

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

9 (15) Abandonment of a patient without cause.

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

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

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

22 (19) Solicitation of professional services by means
23 other than permitted advertising.

24 (20) Failure to provide a patient with a copy of his or
25 her record upon the written request of the patient.

26 (21) Cheating on or attempting to subvert the licensing

1 examination administered under this Act.

2 (22) Allowing one's license under this Act to be used
3 by an unlicensed person in violation of this Act.

4 (23) (Blank).

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

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

14 (26) Immoral conduct in the commission of any act, such
15 as sexual abuse, sexual misconduct, or sexual
16 exploitation, related to the licensee's practice.

17 (27) Maintaining a professional relationship with any
18 person, firm, or corporation when the naprapath knows, or
19 should know, that the person, firm, or corporation is
20 violating this Act.

21 (28) Promotion of the sale of food supplements,
22 devices, appliances, or goods provided for a client or
23 patient in such manner as to exploit the patient or client
24 for financial gain of the licensee.

25 (29) Having treated ailments of human beings other than
26 by the practice of naprapathy as defined in this Act, or

1 having treated ailments of human beings as a licensed
2 naprapath independent of a documented referral or
3 documented current and relevant diagnosis from a
4 physician, dentist, or podiatric physician, or having
5 failed to notify the physician, dentist, or podiatric
6 physician who established a documented current and
7 relevant diagnosis that the patient is receiving
8 naprapathic treatment pursuant to that diagnosis.

9 (30) Use by a registered naprapath of the word
10 "infirmary", "hospital", "school", "university", in
11 English or any other language, in connection with the place
12 where naprapathy may be practiced or demonstrated.

13 (31) Continuance of a naprapath in the employ of any
14 person, firm, or corporation, or as an assistant to any
15 naprapath or naprapaths, directly or indirectly, after his
16 or her employer or superior has been found guilty of
17 violating or has been enjoined from violating the laws of
18 the State of Illinois relating to the practice of
19 naprapathy when the employer or superior persists in that
20 violation.

21 (32) The performance of naprapathic service in
22 conjunction with a scheme or plan with another person,
23 firm, or corporation known to be advertising in a manner
24 contrary to this Act or otherwise violating the laws of the
25 State of Illinois concerning the practice of naprapathy.

26 (33) Failure to provide satisfactory proof of having

1 participated in approved continuing education programs as
2 determined by and approved by the Secretary. Exceptions for
3 extreme hardships are to be defined by the rules of the
4 Department.

5 (34) (Blank).

6 (35) Gross or willful overcharging for professional
7 services.

8 (36) (Blank).

9 All fines imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the
11 fine.

12 (b) The Department may refuse to issue or may suspend
13 without hearing, as provided for in the Department of
14 Professional Regulation Law of the Civil Administrative Code,
15 the license of any person who fails to file a return, or pay
16 the tax, penalty, or interest shown in a filed return, or pay
17 any final assessment of the tax, penalty, or interest as
18 required by any tax Act administered by the Illinois Department
19 of Revenue, until such time as the requirements of any such tax
20 Act are satisfied in accordance with subsection (g) of Section
21 2105-15 of the Department of Professional Regulation Law of the
22 Civil Administrative Code of Illinois.

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

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

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

16 (e) The determination by a circuit court that a licensee is
17 subject to involuntary admission or judicial admission, as
18 provided in the Mental Health and Developmental Disabilities
19 Code, operates as an automatic suspension. The suspension shall
20 end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and the issuance of an order so finding and discharging the
23 patient.

24 (f) In enforcing this Act, the Department, upon a showing
25 of a possible violation, may compel an individual licensed to
26 practice under this Act, or who has applied for licensure under

1 this Act, to submit to a mental or physical examination and
2 evaluation, or both, which may include a substance abuse or
3 sexual offender evaluation, as required by and at the expense
4 of the Department. The Department shall specifically designate
5 the examining physician licensed to practice medicine in all of
6 its branches or, if applicable, the multidisciplinary team
7 involved in providing the mental or physical examination and
8 evaluation, or both. The multidisciplinary team shall be led by
9 a physician licensed to practice medicine in all of its
10 branches and may consist of one or more or a combination of
11 physicians licensed to practice medicine in all of its
12 branches, licensed chiropractic physicians, licensed clinical
13 psychologists, licensed clinical social workers, licensed
14 clinical professional counselors, and other professional and
15 administrative staff. Any examining physician or member of the
16 multidisciplinary team may require any person ordered to submit
17 to an examination and evaluation pursuant to this Section to
18 submit to any additional supplemental testing deemed necessary
19 to complete any examination or evaluation process, including,
20 but not limited to, blood testing, urinalysis, psychological
21 testing, or neuropsychological testing.

22 The Department may order the examining physician or any
23 member of the multidisciplinary team to provide to the
24 Department any and all records including business records that
25 relate to the examination and evaluation, including any
26 supplemental testing performed. The Department may order the

1 examining physician or any member of the multidisciplinary team
2 to present testimony concerning the examination and evaluation
3 of the licensee or applicant, including testimony concerning
4 any supplemental testing or documents in any way related to the
5 examination and evaluation. No information, report, record, or
6 other documents in any way related to the examination and
7 evaluation shall be excluded by reason of any common law or
8 statutory privilege relating to communications between the
9 licensee or applicant and the examining physician or any member
10 of the multidisciplinary team. No authorization is necessary
11 from the licensee or applicant ordered to undergo an evaluation
12 and examination for the examining physician or any member of
13 the multidisciplinary team to provide information, reports,
14 records, or other documents or to provide any testimony
15 regarding the examination and evaluation. The individual to be
16 examined may have, at his or her own expense, another physician
17 of his or her choice present during all aspects of this
18 examination. Failure of an individual to submit to a mental or
19 physical examination and evaluation, or both, when directed,
20 shall result in an automatic suspension without hearing, until
21 such time as the individual submits to the examination.

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

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

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

24 An individual licensed under this Act and affected under
25 this Section shall be afforded an opportunity to demonstrate to
26 the Department that he or she can resume practice in compliance

1 with acceptable and prevailing standards under the provisions
2 of his or her license.

3 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;
4 98-463, eff. 8-16-13.)

5 Section 55. The Illinois Occupational Therapy Practice Act
6 is amended by changing Section 19 as follows:

7 (225 ILCS 75/19) (from Ch. 111, par. 3719)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 19. Grounds for discipline.

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, place on probation, reprimand or take other
12 disciplinary or non-disciplinary action as the Department may
13 deem proper, including imposing fines not to exceed \$10,000 for
14 each violation and the assessment of costs as provided under
15 Section 19.3 of this Act, with regard to any license for any
16 one or combination of the following:

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

19 (2) Violations of this Act, or of the rules promulgated
20 thereunder;

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or
23 sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under
2 the laws of any jurisdiction of the United States that is
3 (i) a felony or (ii) a misdemeanor, an essential element of
4 which is dishonesty, or that is directly related to the
5 practice of the profession;

6 (4) Fraud or any misrepresentation in applying for or
7 procuring a license under this Act, or in connection with
8 applying for renewal of a license under this Act;

9 (5) Professional incompetence;

10 (6) Aiding or assisting another person, firm,
11 partnership or corporation in violating any provision of
12 this Act or rules;

13 (7) Failing, within 60 days, to provide information in
14 response to a written request made by the Department;

15 (8) Engaging in dishonorable, unethical or
16 unprofessional conduct of a character likely to deceive,
17 defraud or harm the public;

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

22 (10) Discipline by another state, unit of government,
23 government agency, the District of Columbia, a territory,
24 or foreign nation, if at least one of the grounds for the
25 discipline is the same or substantially equivalent to those
26 set forth herein;

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

16 (12) A finding by the Department that the license
17 holder, after having his license disciplined, has violated
18 the terms of the discipline;

19 (13) Wilfully making or filing false records or reports
20 in the practice of occupational therapy, including but not
21 limited to false records filed with the State agencies or
22 departments;

23 (14) Physical illness, including but not limited to,
24 deterioration through the aging process, or loss of motor
25 skill which results in the inability to practice under this
26 Act with reasonable judgment, skill, or safety;

1 (15) Solicitation of professional services other than
2 by permitted advertising;

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

5 (17) Practicing under a false or, except as provided by
6 law, assumed name;

7 (18) Professional incompetence or gross negligence;

8 (19) Malpractice;

9 (20) Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in any manner
11 to exploit the client for financial gain of the licensee;

12 (21) Gross, willful, or continued overcharging for
13 professional services;

14 (22) Mental illness or disability that results in the
15 inability to practice under this Act with reasonable
16 judgment, skill, or safety;

17 (23) Violating the Health Care Worker Self-Referral
18 Act;

19 (24) Having treated patients other than by the practice
20 of occupational therapy as defined in this Act, or having
21 treated patients as a licensed occupational therapist
22 independent of a referral from a physician, advanced
23 practice registered nurse or physician assistant in
24 accordance with Section 3.1, dentist, podiatric physician,
25 or optometrist, or having failed to notify the physician,
26 advanced practice registered nurse, physician assistant,

1 dentist, podiatric physician, or optometrist who
2 established a diagnosis that the patient is receiving
3 occupational therapy pursuant to that diagnosis;

4 (25) Cheating on or attempting to subvert the licensing
5 examination administered under this Act; and

6 (26) Charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered.

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

13 (b) The determination by a circuit court that a license
14 holder is subject to involuntary admission or judicial
15 admission as provided in the Mental Health and Developmental
16 Disabilities Code, as now or hereafter amended, operates as an
17 automatic suspension. Such suspension will end only upon a
18 finding by a court that the patient is no longer subject to
19 involuntary admission or judicial admission and an order by the
20 court so finding and discharging the patient. In any case where
21 a license is suspended under this provision, the licensee shall
22 file a petition for restoration and shall include evidence
23 acceptable to the Department that the licensee can resume
24 practice in compliance with acceptable and prevailing
25 standards of their profession.

26 (c) The Department may refuse to issue or may suspend

1 without hearing, as provided for in the Code of Civil
2 Procedure, the license of any person who fails to file a
3 return, to pay the tax, penalty, or interest shown in a filed
4 return, or to pay any final assessment of tax, penalty, or
5 interest as required by any tax Act administered by the
6 Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied in accordance
8 with subsection (a) of Section 2105-15 of the Department of
9 Professional Regulation Law of the Civil Administrative Code of
10 Illinois.

11 (d) In enforcing this Section, the Department, upon a
12 showing of a possible violation, may compel any individual who
13 is licensed under this Act or any individual who has applied
14 for licensure to submit to a mental or physical examination or
15 evaluation, or both, which may include a substance abuse or
16 sexual offender evaluation, at the expense of the Department.
17 The Department shall specifically designate the examining
18 physician licensed to practice medicine in all of its branches
19 or, if applicable, the multidisciplinary team involved in
20 providing the mental or physical examination and evaluation.
21 The multidisciplinary team shall be led by a physician licensed
22 to practice medicine in all of its branches and may consist of
23 one or more or a combination of physicians licensed to practice
24 medicine in all of its branches, licensed chiropractic
25 physicians, licensed clinical psychologists, licensed clinical
26 social workers, licensed clinical professional counselors, and

1 other professional and administrative staff. Any examining
2 physician or member of the multidisciplinary team may require
3 any person ordered to submit to an examination and evaluation
4 pursuant to this Section to submit to any additional
5 supplemental testing deemed necessary to complete any
6 examination or evaluation process, including, but not limited
7 to, blood testing, urinalysis, psychological testing, or
8 neuropsychological testing.

9 The Department may order the examining physician or any
10 member of the multidisciplinary team to provide to the
11 Department any and all records, including business records,
12 that relate to the examination and evaluation, including any
13 supplemental testing performed. The Department may order the
14 examining physician or any member of the multidisciplinary team
15 to present testimony concerning this examination and
16 evaluation of the licensee or applicant, including testimony
17 concerning any supplemental testing or documents relating to
18 the examination and evaluation. No information, report,
19 record, or other documents in any way related to the
20 examination and evaluation shall be excluded by reason of any
21 common law or statutory privilege relating to communication
22 between the licensee or applicant and the examining physician
23 or any member of the multidisciplinary team. No authorization
24 is necessary from the licensee or applicant ordered to undergo
25 an evaluation and examination for the examining physician or
26 any member of the multidisciplinary team to provide

1 information, reports, records, or other documents or to provide
2 any testimony regarding the examination and evaluation. The
3 individual to be examined may have, at his or her own expense,
4 another physician of his or her choice present during all
5 aspects of the examination.

6 Failure of any individual to submit to mental or physical
7 examination or evaluation, or both, when directed, shall result
8 in an automatic suspension without hearing, until such time as
9 the individual submits to the examination. If the Department
10 finds a licensee unable to practice because of the reasons set
11 forth in this Section, the Department shall require the
12 licensee to submit to care, counseling, or treatment by
13 physicians approved or designated by the Department as a
14 condition for continued, reinstated, or renewed licensure.

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

23 Individuals licensed under this Act that are affected under
24 this Section, shall be afforded an opportunity to demonstrate
25 to the Department that they can resume practice in compliance
26 with acceptable and prevailing standards under the provisions

1 of their license.

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

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

22 (Source: P.A. 100-513, eff. 1-1-18.)

23 Section 60. The Orthotics, Prosthetics, and Pedorthics
24 Practice Act is amended by changing Section 90 as follows:

1 (225 ILCS 84/90)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 90. Grounds for discipline.

4 (a) The Department may refuse to issue or renew a license,
5 or may revoke or suspend a license, or may suspend, place on
6 probation, or reprimand a licensee or take other disciplinary
7 or non-disciplinary action as the Department may deem proper,
8 including, but not limited to, the imposition of fines not to
9 exceed \$10,000 for each violation for one or any combination of
10 the following:

11 (1) Making a material misstatement in furnishing
12 information to the Department or the Board.

13 (2) Violations of or negligent or intentional
14 disregard of this Act or its rules.

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

21 (4) Making a misrepresentation for the purpose of
22 obtaining a license.

23 (5) A pattern of practice or other behavior that
24 demonstrates incapacity or incompetence to practice under
25 this Act.

26 (6) Gross negligence under this Act.

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

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

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

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

12 (11) Discipline by another state or territory of the
13 United States, the federal government, or foreign nation,
14 if at least one of the grounds for the discipline is the
15 same or substantially equivalent to one set forth in this
16 Section.

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

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

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

9 (14) Abandonment of a patient or client.

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

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

16 (17) Inability to practice the profession with
17 reasonable judgment, skill, or safety as a result of a
18 physical illness, including, but not limited to,
19 deterioration through the aging process or loss of motor
20 skill, or a mental illness or disability.

21 (18) Solicitation of professional services using false
22 or misleading advertising.

23 (b) In enforcing this Section, the Department or Board upon
24 a showing of a possible violation, may compel a licensee or
25 applicant to submit to a mental or physical examination, or
26 both, as required by and at the expense of the Department. The

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

16 In instances in which the Secretary immediately suspends a
17 person's license for his or her failure to submit to a mental
18 or physical examination, when directed, a hearing on that
19 person's license must be convened by the Department within 15
20 days after the suspension and completed without appreciable
21 delay.

22 In instances in which the Secretary otherwise suspends a
23 person's license pursuant to the results of a compelled mental
24 or physical examination, a hearing on that person's license
25 must be convened by the Department within 15 days after the
26 suspension and completed without appreciable delay. The

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

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

11 (c) (Blank). ~~The Department shall deny a license or renewal~~
12 ~~authorized by this Act to a person who has defaulted on an~~
13 ~~educational loan or scholarship provided or guaranteed by the~~
14 ~~Illinois Student Assistance Commission or any governmental~~
15 ~~agency of this State in accordance with subsection (a) (5) of~~
16 ~~Section 2105-15 of the Department of Professional Regulation~~
17 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
18 ~~2105/2105-15).~~

19 (d) In cases where the Department of Healthcare and Family
20 Services (formerly Department of Public Aid) has previously
21 determined that a licensee or a potential licensee is more than
22 30 days delinquent in the payment of child support and has
23 subsequently certified the delinquency to the Department, the
24 Department may refuse to issue or renew or may revoke or
25 suspend that person's license or may take other disciplinary
26 action against that person based solely upon the certification

1 of delinquency made by the Department of Healthcare and Family
2 Services in accordance with subsection (a)(5) of Section
3 2105-15 of the Department of Professional Regulation Law of the
4 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

5 (e) The Department may refuse to issue or renew a license,
6 or may revoke or suspend a license, for failure to file a
7 return, to pay the tax, penalty, or interest shown in a filed
8 return, or to pay any final assessment of tax, penalty, or
9 interest as required by any tax Act administered by the
10 Department of Revenue, until such time as the requirements of
11 the tax Act are satisfied in accordance with subsection (g) of
12 Section 2105-15 of the Department of Professional Regulation
13 Law of the Civil Administrative Code of Illinois (20 ILCS
14 2105/2105-15).

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

16 Section 65. The Professional Counselor and Clinical
17 Professional Counselor Licensing and Practice Act is amended by
18 changing Section 80 as follows:

19 (225 ILCS 107/80)

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

21 Sec. 80. Grounds for discipline.

22 (a) The Department may refuse to issue, renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action as the Department

1 deems appropriate, including the issuance of fines not to
2 exceed \$10,000 for each violation, with regard to any license
3 for any one or more of the following:

4 (1) Material misstatement in furnishing information to
5 the Department or to any other State agency.

6 (2) Violations or negligent or intentional disregard
7 of this Act or rules adopted under this Act.

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

17 (4) Fraud or any misrepresentation in applying for or
18 procuring a license under this Act or in connection with
19 applying for renewal of a license under this Act.

20 (5) Professional incompetence or gross negligence in
21 the rendering of professional counseling or clinical
22 professional counseling services.

23 (6) Malpractice.

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

26 (8) Failing to provide information within 60 days in

1 response to a written request made by the Department.

2 (9) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public and violating the rules of
5 professional conduct adopted by the Department.

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

10 (11) Discipline by another jurisdiction, the District
11 of Columbia, territory, county, or governmental agency, if
12 at least one of the grounds for the discipline is the same
13 or substantially equivalent to those set forth in this
14 Section.

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

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

4 (13) A finding by the Board that the licensee, after
5 having the license placed on probationary status, has
6 violated the terms of probation.

7 (14) Abandonment of a client.

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

12 (16) Willfully failing to report an instance of
13 suspected child abuse or neglect as required by the Abused
14 and Neglected Child Reporting Act and in matters pertaining
15 to suspected abuse, neglect, financial exploitation, or
16 self-neglect of adults with disabilities and older adults
17 as set forth in the Adult Protective Services Act.

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

25 (18) Physical or mental illness or disability,
26 including, but not limited to, deterioration through the

1 aging process or loss of abilities and skills which results
2 in the inability to practice the profession with reasonable
3 judgment, skill, or safety.

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

6 (20) Allowing one's license under this Act to be used
7 by an unlicensed person in violation of this Act.

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

10 (22) Practicing under a false or, except as provided by
11 law, an assumed name.

12 (23) Gross and willful overcharging for professional
13 services including filing statements for collection of
14 fees or monies for which services are not rendered.

15 (24) Rendering professional counseling or clinical
16 professional counseling services without a license or
17 practicing outside the scope of a license.

18 (25) Clinical supervisors failing to adequately and
19 responsibly monitor supervisees.

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

23 (b) (Blank). ~~The Department shall deny, without hearing,~~
24 ~~any application or renewal for a license under this Act to any~~
25 ~~person who has defaulted on an educational loan guaranteed by~~
26 ~~the Illinois Student Assistance Commission or any governmental~~

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

4 (b-5) The Department may refuse to issue or may suspend
5 without hearing, as provided for in the Code of Civil
6 Procedure, the license of any person who fails to file a
7 return, pay the tax, penalty, or interest shown in a filed
8 return, or pay any final assessment of the tax, penalty, or
9 interest as required by any tax Act administered by the
10 Illinois Department of Revenue, until such time as the
11 requirements of any such tax Act are satisfied in accordance
12 with subsection (g) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois.

15 (b-10) In cases where the Department of Healthcare and
16 Family Services has previously determined a licensee or a
17 potential licensee is more than 30 days delinquent in the
18 payment of child support and has subsequently certified the
19 delinquency to the Department, the Department may refuse to
20 issue or renew or may revoke or suspend that person's license
21 or may take other disciplinary action against that person based
22 solely upon the certification of delinquency made by the
23 Department of Healthcare and Family Services in accordance with
24 item (5) of subsection (a) of Section 2105-15 of the Department
25 of Professional Regulation Law of the Civil Administrative Code
26 of Illinois.

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

11 (c-5) In enforcing this Act, the Department, upon a showing
12 of a possible violation, may compel an individual licensed to
13 practice under this Act, or who has applied for licensure under
14 this Act, to submit to a mental or physical examination, or
15 both, as required by and at the expense of the Department. The
16 Department may order the examining physician to present
17 testimony concerning the mental or physical examination of the
18 licensee or applicant. No information shall be excluded by
19 reason of any common law or statutory privilege relating to
20 communications between the licensee or applicant and the
21 examining physician. The examining physicians shall be
22 specifically designated by the Department. The individual to be
23 examined may have, at his or her own expense, another physician
24 of his or her choice present during all aspects of this
25 examination. The examination shall be performed by a physician
26 licensed to practice medicine in all its branches. Failure of

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

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

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

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

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

11 (d) (Blank).

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

13 Section 70. The Sex Offender Evaluation and Treatment
14 Provider Act is amended by changing Section 75 as follows:

15 (225 ILCS 109/75)

16 Sec. 75. Refusal, revocation, or suspension.

17 (a) The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary or nondisciplinary action, as the Department
20 considers appropriate, including the imposition of fines not to
21 exceed \$10,000 for each violation, with regard to any license
22 or licensee for any one or more of the following:

23 (1) violations of this Act or of the rules adopted
24 under this Act;

1 (2) discipline by the Department under other state law
2 and rules which the licensee is subject to;

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

12 (4) professional incompetence;

13 (5) advertising in a false, deceptive, or misleading
14 manner;

15 (6) aiding, abetting, assisting, procuring, advising,
16 employing, or contracting with any unlicensed person to
17 provide sex offender evaluation or treatment services
18 contrary to any rules or provisions of this Act;

19 (7) engaging in immoral conduct in the commission of
20 any act, such as sexual abuse, sexual misconduct, or sexual
21 exploitation, related to the licensee's practice;

22 (8) engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public;

25 (9) practicing or offering to practice beyond the scope
26 permitted by law or accepting and performing professional

1 responsibilities which the licensee knows or has reason to
2 know that he or she is not competent to perform;

3 (10) knowingly delegating professional
4 responsibilities to a person unqualified by training,
5 experience, or licensure to perform;

6 (11) failing to provide information in response to a
7 written request made by the Department within 60 days;

8 (12) having a habitual or excessive use of or addiction
9 to alcohol, narcotics, stimulants, or any other chemical
10 agent or drug which results in the inability to practice
11 with reasonable judgment, skill, or safety;

12 (13) having a pattern of practice or other behavior
13 that demonstrates incapacity or incompetence to practice
14 under this Act;

15 (14) discipline by another state, District of
16 Columbia, territory, or foreign nation, if at least one of
17 the grounds for the discipline is the same or substantially
18 equivalent to those set forth in this Section;

19 (15) a finding by the Department that the licensee,
20 after having his or her license placed on probationary
21 status, has violated the terms of probation;

22 (16) willfully making or filing false records or
23 reports in his or her practice, including, but not limited
24 to, false records filed with State agencies or departments;

25 (17) making a material misstatement in furnishing
26 information to the Department or otherwise making

1 misleading, deceptive, untrue, or fraudulent
2 representations in violation of this Act or otherwise in
3 the practice of the profession;

4 (18) fraud or misrepresentation in applying for or
5 procuring a license under this Act or in connection with
6 applying for renewal of a license under this Act;

7 (19) inability to practice the profession with
8 reasonable judgment, skill, or safety as a result of
9 physical illness, including, but not limited to,
10 deterioration through the aging process, loss of motor
11 skill, or a mental illness or disability;

12 (20) charging for professional services not rendered,
13 including filing false statements for the collection of
14 fees for which services are not rendered; or

15 (21) practicing under a false or, except as provided by
16 law, an assumed name.

17 All fines shall be paid within 60 days of the effective
18 date of the order imposing the fine.

19 (b) The Department may refuse to issue or may suspend the
20 license of any person who fails to file a tax return, to pay
21 the tax, penalty, or interest shown in a filed tax return, or
22 to pay any final assessment of tax, penalty, or interest, as
23 required by any tax Act administered by the Illinois Department
24 of Revenue, until such time as the requirements of the tax Act
25 are satisfied in accordance with subsection (g) of Section
26 2105-15 of the Civil Administrative Code of Illinois.

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

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

19 (e) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission, as
21 provided in the Mental Health and Developmental Disabilities
22 Code, operates as an automatic suspension. The suspension will
23 end only upon a finding by a court that the patient is no
24 longer subject to involuntary admission or judicial admission
25 and the issuance of a court order so finding and discharging
26 the patient.

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

20 A person holding a license under this Act or who has
21 applied for a license under this Act who, because of a physical
22 or mental illness or disability, including, but not limited to,
23 deterioration through the aging process or loss of motor skill,
24 is unable to practice the profession with reasonable judgment,
25 skill, or safety, may be required by the Department to submit
26 to care, counseling, or treatment by physicians approved or

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

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

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

1 (Source: P.A. 97-1098, eff. 7-1-13; 98-756, eff. 7-16-14.)

2 Section 75. The Illinois Speech-Language Pathology and
3 Audiology Practice Act is amended by changing Section 16 as
4 follows:

5 (225 ILCS 110/16) (from Ch. 111, par. 7916)

6 (Section scheduled to be repealed on January 1, 2028)

7 Sec. 16. Refusal, revocation or suspension of licenses.

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

14 (a) Fraud in procuring the license.

15 (b) (Blank).

16 (c) Willful or repeated violations of the rules of the
17 Department of Public Health.

18 (d) Division of fees or agreeing to split or divide the
19 fees received for speech-language pathology or audiology
20 services with any person for referring an individual, or
21 assisting in the care or treatment of an individual,
22 without the knowledge of the individual or his or her legal
23 representative. Nothing in this paragraph (d) affects any
24 bona fide independent contractor or employment

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

11 (e) Employing, procuring, inducing, aiding or abetting
12 a person not licensed as a speech-language pathologist or
13 audiologist to engage in the unauthorized practice of
14 speech-language pathology or audiology.

15 (e-5) Employing, procuring, inducing, aiding, or
16 abetting a person not licensed as a speech-language
17 pathology assistant to perform the functions and duties of
18 a speech-language pathology assistant.

19 (f) Making any misrepresentations or false promises,
20 directly or indirectly, to influence, persuade or induce
21 patronage.

22 (g) Professional connection or association with, or
23 lending his or her name to another for the illegal practice
24 of speech-language pathology or audiology by another, or
25 professional connection or association with any person,
26 firm or corporation holding itself out in any manner

1 contrary to this Act.

2 (h) Obtaining or seeking to obtain checks, money, or
3 any other things of value by false or fraudulent
4 representations, including but not limited to, engaging in
5 such fraudulent practice to defraud the medical assistance
6 program of the Department of Healthcare and Family Services
7 (formerly Department of Public Aid).

8 (i) Practicing under a name other than his or her own.

9 (j) Improper, unprofessional or dishonorable conduct
10 of a character likely to deceive, defraud or harm the
11 public.

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

21 (l) Permitting a person under his or her supervision to
22 perform any function not authorized by this Act.

23 (m) A violation of any provision of this Act or rules
24 promulgated thereunder.

25 (n) Discipline by another state, the District of
26 Columbia, territory, or foreign nation of a license to

1 practice speech-language pathology or audiology or a
2 license to practice as a speech-language pathology
3 assistant in its jurisdiction if at least one of the
4 grounds for that discipline is the same as or the
5 equivalent of one of the grounds for discipline set forth
6 herein.

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

10 (p) Gross or repeated malpractice.

11 (q) Willfully making or filing false records or reports
12 in his or her practice as a speech-language pathologist,
13 speech-language pathology assistant, or audiologist,
14 including, but not limited to, false records to support
15 claims against the public assistance program of the
16 Department of Healthcare and Family Services (formerly
17 Illinois Department of Public Aid).

18 (r) Professional incompetence as manifested by poor
19 standards of care or mental incompetence as declared by a
20 court of competent jurisdiction.

21 (s) Repeated irregularities in billing a third party
22 for services rendered to an individual. For purposes of
23 this Section, "irregularities in billing" shall include:

24 (i) reporting excessive charges for the purpose of
25 obtaining a total payment in excess of that usually
26 received by the speech-language pathologist,

1 speech-language pathology assistant, or audiologist
2 for the services rendered;

3 (ii) reporting charges for services not rendered;
4 or

5 (iii) incorrectly reporting services rendered for
6 the purpose of obtaining payment not earned.

7 (t) (Blank).

8 (u) Violation of the Health Care Worker Self-Referral
9 Act.

10 (v) Inability to practice with reasonable judgment,
11 skill, or safety as a result of habitual or excessive use
12 of or addiction to alcohol, narcotics, or stimulants or any
13 other chemical agent or drug or as a result of physical
14 illness, including, but not limited to, deterioration
15 through the aging process or loss of motor skill, mental
16 illness, or disability.

17 (w) Violation of the Hearing Instrument Consumer
18 Protection Act.

19 (x) Failure by a speech-language pathology assistant
20 and supervising speech-language pathologist to comply with
21 the supervision requirements set forth in Section 8.8.

22 (y) Willfully exceeding the scope of duties
23 customarily undertaken by speech-language pathology
24 assistants set forth in Section 8.7 that results in, or may
25 result in, harm to the public.

26 (z) Willfully failing to report an instance of

1 suspected abuse, neglect, financial exploitation, or
2 self-neglect of an eligible adult as defined in and
3 required by the Adult Protective Services Act.

4 (aa) Being named as a perpetrator in an indicated
5 report by the Department on Aging under the Adult
6 Protective Services Act, and upon proof by clear and
7 convincing evidence that the licensee has caused an
8 eligible adult to be abused, neglected, or financially
9 exploited as defined in the Adult Protective Services Act.

10 (bb) Violating Section 8.2 of this Act.

11 (cc) Violating Section 8.3 of this Act.

12 (2) (Blank). ~~The Department shall deny a license or renewal~~
13 ~~authorized by this Act to any person who has defaulted on an~~
14 ~~educational loan guaranteed by the Illinois State Scholarship~~
15 ~~Commission; however, the Department may issue a license or~~
16 ~~renewal if the aforementioned persons have established a~~
17 ~~satisfactory repayment record as determined by the Illinois~~
18 ~~State Scholarship Commission.~~

19 (3) The entry of an order by a circuit court establishing
20 that any person holding a license under this Act is subject to
21 involuntary admission or judicial admission as provided for in
22 the Mental Health and Developmental Disabilities Code,
23 operates as an automatic suspension of that license. That
24 person may have his or her license restored only upon the
25 determination by a circuit court that the patient is no longer
26 subject to involuntary admission or judicial admission and the

1 issuance of an order so finding and discharging the patient,
2 and upon the Board's recommendation to the Department that the
3 license be restored. Where the circumstances so indicate, the
4 Board may recommend to the Department that it require an
5 examination prior to restoring any license automatically
6 suspended under this subsection.

7 (4) The Department may refuse to issue or may suspend the
8 license of any person who fails to file a return, or to pay the
9 tax, penalty, or interest shown in a filed return, or to pay
10 any final assessment of the tax penalty or interest, as
11 required by any tax Act administered by the Department of
12 Revenue, until such time as the requirements of any such tax
13 Act are satisfied.

14 (5) In enforcing this Section, the Board upon a showing of
15 a possible violation may compel an individual licensed to
16 practice under this Act, or who has applied for licensure
17 pursuant to this Act, to submit to a mental or physical
18 examination, or both, as required by and at the expense of the
19 Department. The examining physicians or clinical psychologists
20 shall be those specifically designated by the Board. The
21 individual to be examined may have, at his or her own expense,
22 another physician or clinical psychologist of his or her choice
23 present during all aspects of this examination. Failure of any
24 individual to submit to a mental or physical examination, when
25 directed, shall be grounds for suspension of his or her license
26 until the individual submits to the examination if the Board

1 finds, after notice and hearing, that the refusal to submit to
2 the examination was without reasonable cause.

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

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

1 records.

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

7 (Source: P.A. 100-530, eff. 1-1-18.)

8 Section 80. The Veterinary Medicine and Surgery Practice
9 Act of 2004 is amended by changing Section 25 as follows:

10 (225 ILCS 115/25) (from Ch. 111, par. 7025)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 25. Disciplinary actions.

13 1. The Department may refuse to issue or renew, or may
14 revoke, suspend, place on probation, reprimand, or take other
15 disciplinary or non-disciplinary action as the Department may
16 deem appropriate, including imposing fines not to exceed
17 \$10,000 for each violation and the assessment of costs as
18 provided for in Section 25.3 of this Act, with regard to any
19 license or certificate for any one or combination of the
20 following:

21 A. Material misstatement in furnishing information to
22 the Department.

23 B. Violations of this Act, or of the rules adopted
24 pursuant to this Act.

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

10 D. Fraud or any misrepresentation in applying for or
11 procuring a license under this Act or in connection with
12 applying for renewal of a license under this Act.

13 E. Professional incompetence.

14 F. Malpractice.

15 G. Aiding or assisting another person in violating any
16 provision of this Act or rules.

17 H. Failing, within 60 days, to provide information in
18 response to a written request made by the Department.

19 I. Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public.

22 J. Habitual or excessive use or abuse of drugs defined
23 in law as controlled substances, alcohol, or any other
24 substance that results in the inability to practice with
25 reasonable judgment, skill, or safety.

26 K. Discipline by another state, unit of government,

1 government agency, District of Columbia, territory, or
2 foreign nation, if at least one of the grounds for the
3 discipline is the same or substantially equivalent to those
4 set forth herein.

5 L. Charging for professional services not rendered,
6 including filing false statements for the collection of
7 fees for which services are not rendered.

8 M. A finding by the Board that the licensee or
9 certificate holder, after having his license or
10 certificate placed on probationary status, has violated
11 the terms of probation.

12 N. Willfully making or filing false records or reports
13 in his practice, including but not limited to false records
14 filed with State agencies or departments.

15 O. Physical illness, including but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill which results in the inability to practice under this
18 Act with reasonable judgment, skill, or safety.

19 P. Solicitation of professional services other than
20 permitted advertising.

21 Q. Allowing one's license under this Act to be used by
22 an unlicensed person in violation of this Act.

23 R. Conviction of or cash compromise of a charge or
24 violation of the Harrison Act or the Illinois Controlled
25 Substances Act, regulating narcotics.

26 S. Fraud or dishonesty in applying, treating, or

1 reporting on tuberculin or other biological tests.

2 T. Failing to report, as required by law, or making
3 false report of any contagious or infectious diseases.

4 U. Fraudulent use or misuse of any health certificate,
5 shipping certificate, brand inspection certificate, or
6 other blank forms used in practice that might lead to the
7 dissemination of disease or the transportation of diseased
8 animals dead or alive; or dilatory methods, willful
9 neglect, or misrepresentation in the inspection of milk,
10 meat, poultry, and the by-products thereof.

11 V. Conviction on a charge of cruelty to animals.

12 W. Failure to keep one's premises and all equipment
13 therein in a clean and sanitary condition.

14 X. Failure to provide satisfactory proof of having
15 participated in approved continuing education programs.

16 Y. Mental illness or disability that results in the
17 inability to practice under this Act with reasonable
18 judgment, skill, or safety.

19 Z. Conviction by any court of competent jurisdiction,
20 either within or outside this State, of any violation of
21 any law governing the practice of veterinary medicine, if
22 the Department determines, after investigation, that the
23 person has not been sufficiently rehabilitated to warrant
24 the public trust.

25 AA. Promotion of the sale of drugs, devices,
26 appliances, or goods provided for a patient in any manner

1 to exploit the client for financial gain of the
2 veterinarian.

3 BB. Gross, willful, or continued overcharging for
4 professional services.

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

7 DD. Violating state or federal laws or regulations
8 relating to controlled substances or legend drugs.

9 EE. Cheating on or attempting to subvert the licensing
10 examination administered under this Act.

11 FF. Using, prescribing, or selling a prescription drug
12 or the extra-label use of a prescription drug by any means
13 in the absence of a valid veterinarian-client-patient
14 relationship.

15 GG. Failing to report a case of suspected aggravated
16 cruelty, torture, or animal fighting pursuant to Section
17 3.07 or 4.01 of the Humane Care for Animals Act or Section
18 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
19 Code of 2012.

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

24 2. The determination by a circuit court that a licensee or
25 certificate holder is subject to involuntary admission or
26 judicial admission as provided in the Mental Health and

1 Developmental Disabilities Code operates as an automatic
2 suspension. The suspension will end only upon a finding by a
3 court that the patient is no longer subject to involuntary
4 admission or judicial admission and issues an order so finding
5 and discharging the patient. In any case where a license is
6 suspended under this provision, the licensee shall file a
7 petition for restoration and shall include evidence acceptable
8 to the Department that the licensee can resume practice in
9 compliance with acceptable and prevailing standards of his or
10 her profession.

11 3. All proceedings to suspend, revoke, place on
12 probationary status, or take any other disciplinary action as
13 the Department may deem proper, with regard to a license or
14 certificate on any of the foregoing grounds, must be commenced
15 within 5 years after receipt by the Department of a complaint
16 alleging the commission of or notice of the conviction order
17 for any of the acts described in this Section. Except for
18 proceedings brought for violations of items (CC), (DD), or
19 (EE), no action shall be commenced more than 5 years after the
20 date of the incident or act alleged to have violated this
21 Section. In the event of the settlement of any claim or cause
22 of action in favor of the claimant or the reduction to final
23 judgment of any civil action in favor of the plaintiff, the
24 claim, cause of action, or civil action being grounded on the
25 allegation that a person licensed or certified under this Act
26 was negligent in providing care, the Department shall have an

1 additional period of one year from the date of the settlement
2 or final judgment in which to investigate and begin formal
3 disciplinary proceedings under Section 25.2 of this Act, except
4 as otherwise provided by law. The time during which the holder
5 of the license or certificate was outside the State of Illinois
6 shall not be included within any period of time limiting the
7 commencement of disciplinary action by the Department.

8 4. The Department may refuse to issue or may suspend
9 without hearing, as provided for in the Illinois Code of Civil
10 Procedure, the license of any person who fails to file a
11 return, to pay the tax, penalty, or interest shown in a filed
12 return, or to pay any final assessment of tax, penalty, or
13 interest as required by any tax Act administered by the
14 Illinois Department of Revenue, until such time as the
15 requirements of any such tax Act are satisfied in accordance
16 with subsection (g) of Section 2105-15 of the Civil
17 Administrative Code of Illinois.

18 5. In enforcing this Section, the Department, upon a
19 showing of a possible violation, may compel any individual who
20 is registered under this Act or any individual who has applied
21 for registration to submit to a mental or physical examination
22 or evaluation, or both, which may include a substance abuse or
23 sexual offender evaluation, at the expense of the Department.
24 The Department shall specifically designate the examining
25 physician licensed to practice medicine in all of its branches
26 or, if applicable, the multidisciplinary team involved in

1 providing the mental or physical examination and evaluation.
2 The multidisciplinary team shall be led by a physician licensed
3 to practice medicine in all of its branches and may consist of
4 one or more or a combination of physicians licensed to practice
5 medicine in all of its branches, licensed chiropractic
6 physicians, licensed clinical psychologists, licensed clinical
7 social workers, licensed clinical professional counselors, and
8 other professional and administrative staff. Any examining
9 physician or member of the multidisciplinary team may require
10 any person ordered to submit to an examination and evaluation
11 pursuant to this Section to submit to any additional
12 supplemental testing deemed necessary to complete any
13 examination or evaluation process, including, but not limited
14 to, blood testing, urinalysis, psychological testing, or
15 neuropsychological testing.

16 The Department may order the examining physician or any
17 member of the multidisciplinary team to provide to the
18 Department any and all records, including business records,
19 that relate to the examination and evaluation, including any
20 supplemental testing performed. The Department may order the
21 examining physician or any member of the multidisciplinary team
22 to present testimony concerning this examination and
23 evaluation of the registrant or applicant, including testimony
24 concerning any supplemental testing or documents relating to
25 the examination and evaluation. No information, report,
26 record, or other documents in any way related to the

1 examination and evaluation shall be excluded by reason of any
2 common law or statutory privilege relating to communication
3 between the licensee or applicant and the examining physician
4 or any member of the multidisciplinary team. No authorization
5 is necessary from the registrant or applicant ordered to
6 undergo an evaluation and examination for the examining
7 physician or any member of the multidisciplinary team to
8 provide information, reports, records, or other documents or to
9 provide any testimony regarding the examination and
10 evaluation. The individual to be examined may have, at his or
11 her own expense, another physician of his or her choice present
12 during all aspects of the examination.

13 Failure of any individual to submit to mental or physical
14 examination or evaluation, or both, when directed, shall result
15 in an automatic suspension without hearing, until such time as
16 the individual submits to the examination. If the Department
17 finds a registrant unable to practice because of the reasons
18 set forth in this Section, the Department shall require such
19 registrant to submit to care, counseling, or treatment by
20 physicians approved or designated by the Department as a
21 condition for continued, reinstated, or renewed registration.

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

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

5 Individuals registered under this Act who are affected
6 under this Section, shall be afforded an opportunity to
7 demonstrate to the Department that they can resume practice in
8 compliance with acceptable and prevailing standards under the
9 provisions of their registration.

10 6. (Blank). ~~The Department shall deny a license or renewal~~
11 ~~authorized by this Act to a person who has defaulted on an~~
12 ~~educational loan or scholarship provided or guaranteed by the~~
13 ~~Illinois Student Assistance Commission or any governmental~~
14 ~~agency of this State in accordance with paragraph (5) of~~
15 ~~subsection (a) of Section 2105-15 of the Civil Administrative~~
16 ~~Code of Illinois.~~

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

1 Administrative Code of Illinois.

2 (Source: P.A. 98-339, eff. 12-31-13; 99-78, eff. 7-20-15.)

3 Section 85. The Registered Surgical Assistant and
4 Registered Surgical Technologist Title Protection Act is
5 amended by changing Section 75 as follows:

6 (225 ILCS 130/75)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 75. Grounds for disciplinary action.

9 (a) The Department may refuse to issue, renew, or restore a
10 registration, may revoke or suspend a registration, or may
11 place on probation, reprimand, or take other disciplinary or
12 non-disciplinary action with regard to a person registered
13 under this Act, including but not limited to the imposition of
14 fines not to exceed \$10,000 for each violation and the
15 assessment of costs as provided for in Section 90, for any one
16 or combination of the following causes:

17 (1) Making a material misstatement in furnishing
18 information to the Department.

19 (2) Violating a provision of this Act or rules adopted
20 under this Act.

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or by
23 sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under
2 the laws of any jurisdiction of the United States that is
3 (i) a felony or (ii) a misdemeanor, an essential element of
4 which is dishonesty, or that is directly related to the
5 practice of the profession.

6 (4) Fraud or misrepresentation in applying for,
7 renewing, restoring, reinstating, or procuring a
8 registration under this Act.

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

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

13 (7) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public, as defined by rule of the
16 Department.

17 (8) Discipline by another United States jurisdiction,
18 governmental agency, unit of government, or foreign
19 nation, if at least one of the grounds for discipline is
20 the same or substantially equivalent to those set forth in
21 this Section.

22 (9) Directly or indirectly giving to or receiving from
23 a person, firm, corporation, partnership, or association a
24 fee, commission, rebate, or other form of compensation for
25 professional services not actually or personally rendered.
26 Nothing in this paragraph (9) affects any bona fide

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

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

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

17 (12) Willfully making or signing a false statement,
18 certificate, or affidavit to induce payment.

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

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

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

2 (15) (Blank).

3 (16) Failure to report to the Department (A) any
4 adverse final action taken against the registrant by
5 another registering or licensing jurisdiction, government
6 agency, law enforcement agency, or any court or (B)
7 liability for conduct that would constitute grounds for
8 action as set forth in this Section.

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

13 (18) Physical or mental illness, including but not
14 limited to deterioration through the aging process or loss
15 of motor skills, which results in the inability to practice
16 the profession for which he or she is registered with
17 reasonable judgment, skill, or safety.

18 (19) Gross malpractice.

19 (20) Immoral conduct in the commission of an act
20 related to the registrant's practice, including but not
21 limited to sexual abuse, sexual misconduct, or sexual
22 exploitation.

23 (21) Violation of the Health Care Worker Self-Referral
24 Act.

25 (b) The Department may refuse to issue or may suspend
26 without hearing the registration of a person who fails to file

1 a return, to pay the tax, penalty, or interest shown in a filed
2 return, or to pay a final assessment of the tax, penalty, or
3 interest as required by a tax Act administered by the
4 Department of Revenue, until the requirements of the tax Act
5 are satisfied in accordance with subsection (g) of Section
6 2105-15 of the Department of Regulation Law of the Civil
7 Administrative Code of Illinois.

8 (c) The determination by a circuit court that a registrant
9 is subject to involuntary admission or judicial admission as
10 provided in the Mental Health and Developmental Disabilities
11 Code operates as an automatic suspension. The suspension will
12 end only upon (1) a finding by a court that the patient is no
13 longer subject to involuntary admission or judicial admission,
14 (2) issuance of an order so finding and discharging the
15 patient, and (3) filing of a petition for restoration
16 demonstrating fitness to practice.

17 (d) (Blank). ~~The Department shall deny a registration or~~
18 ~~renewal authorized by this Act to a person who has defaulted on~~
19 ~~an educational loan or scholarship provided or guaranteed by~~
20 ~~the Illinois Student Assistance Commission or any governmental~~
21 ~~agency of this State in accordance with paragraph (5) of~~
22 ~~subsection (a) of Section 2105-15 of the Department of~~
23 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

24 (e) In cases where the Department of Healthcare and Family
25 Services has previously determined a registrant or a potential
26 registrant is more than 30 days delinquent in the payment of

1 child support and has subsequently certified the delinquency to
2 the Department, the Department may refuse to issue or renew or
3 may revoke or suspend that person's registration or may take
4 other disciplinary action against that person based solely upon
5 the certification of delinquency made by the Department of
6 Healthcare and Family Services in accordance with paragraph (5)
7 of subsection (a) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code of
9 Illinois.

10 (f) In enforcing this Section, the Department, upon a
11 showing of a possible violation, may compel any individual
12 registered under this Act or any individual who has applied for
13 registration to submit to a mental or physical examination and
14 evaluation, or both, that may include a substance abuse or
15 sexual offender evaluation, at the expense of the Department.
16 The Department shall specifically designate the examining
17 physician licensed to practice medicine in all of its branches
18 or, if applicable, the multidisciplinary team involved in
19 providing the mental or physical examination and evaluation, or
20 both. The multidisciplinary team shall be led by a physician
21 licensed to practice medicine in all of its branches and may
22 consist of one or more or a combination of physicians licensed
23 to practice medicine in all of its branches, licensed
24 chiropractic physicians, licensed clinical psychologists,
25 licensed clinical social workers, licensed clinical
26 professional counselors, and other professional and

1 administrative staff. Any examining physician or member of the
2 multidisciplinary team may require any person ordered to submit
3 to an examination and evaluation pursuant to this Section to
4 submit to any additional supplemental testing deemed necessary
5 to complete any examination or evaluation process, including,
6 but not limited to, blood testing, urinalysis, psychological
7 testing, or neuropsychological testing.

8 The Department may order the examining physician or any
9 member of the multidisciplinary team to provide to the
10 Department any and all records, including business records,
11 that relate to the examination and evaluation, including any
12 supplemental testing performed. The Department may order the
13 examining physician or any member of the multidisciplinary team
14 to present testimony concerning this examination and
15 evaluation of the registrant or applicant, including testimony
16 concerning any supplemental testing or documents relating to
17 the examination and evaluation. No information, report,
18 record, or other documents in any way related to the
19 examination and evaluation shall be excluded by reason of any
20 common law or statutory privilege relating to communication
21 between the registrant or applicant and the examining physician
22 or any member of the multidisciplinary team. No authorization
23 is necessary from the registrant or applicant ordered to
24 undergo an evaluation and examination for the examining
25 physician or any member of the multidisciplinary team to
26 provide information, reports, records, or other documents or to

1 provide any testimony regarding the examination and
2 evaluation. The individual to be examined may have, at his or
3 her own expense, another physician of his or her choice present
4 during all aspects of the examination.

5 Failure of any individual to submit to mental or physical
6 examination and evaluation, or both, when directed, shall
7 result in an automatic suspension without a hearing until such
8 time as the individual submits to the examination. If the
9 Department finds a registrant unable to practice because of the
10 reasons set forth in this Section, the Department shall require
11 such registrant to submit to care, counseling, or treatment by
12 physicians approved or designated by the Department as a
13 condition for continued, reinstated, or renewed registration.

14 When the Secretary immediately suspends a registration
15 under this Section, a hearing upon such person's registration
16 must be convened by the Department within 15 days after such
17 suspension and completed without appreciable delay. The
18 Department shall have the authority to review the registrant's
19 record of treatment and counseling regarding the impairment to
20 the extent permitted by applicable federal statutes and
21 regulations safeguarding the confidentiality of medical
22 records.

23 Individuals registered under this Act and affected under
24 this Section shall be afforded an opportunity to demonstrate to
25 the Department that they can resume practice in compliance with
26 acceptable and prevailing standards under the provisions of

1 their registration.

2 (g) All fines imposed under this Section shall be paid
3 within 60 days after the effective date of the order imposing
4 the fine or in accordance with the terms set forth in the order
5 imposing the fine.

6 (Source: P.A. 98-364, eff. 12-31-13.)

7 Section 90. The Genetic Counselor Licensing Act is amended
8 by changing Section 95 as follows:

9 (225 ILCS 135/95)

10 (Section scheduled to be repealed on January 1, 2025)

11 Sec. 95. Grounds for discipline.

12 (a) The Department may refuse to issue, renew, or may
13 revoke, suspend, place on probation, reprimand, or take other
14 disciplinary or non-disciplinary action as the Department
15 deems appropriate, including the issuance of fines not to
16 exceed \$10,000 for each violation, with regard to any license
17 for any one or more of the following:

18 (1) Material misstatement in furnishing information to
19 the Department or to any other State agency.

20 (2) Violations or negligent or intentional disregard
21 of this Act, or any of its rules.

22 (3) Conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or
24 sentencing, including, but not limited to, convictions,

1 preceding sentences of supervision, conditional discharge,
2 or first offender probation, under the laws of any
3 jurisdiction of the United States: (i) that is a felony or
4 (ii) that is a misdemeanor, an essential element of which
5 is dishonesty, or that is directly related to the practice
6 of genetic counseling.

7 (4) Making any misrepresentation for the purpose of
8 obtaining a license, or violating any provision of this Act
9 or its rules.

10 (5) Negligence in the rendering of genetic counseling
11 services.

12 (6) Failure to provide genetic testing results and any
13 requested information to a referring physician licensed to
14 practice medicine in all its branches, advanced practice
15 registered nurse, or physician assistant.

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

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

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public and violating the rules of
23 professional conduct adopted by the Department.

24 (10) Failing to maintain the confidentiality of any
25 information received from a client, unless otherwise
26 authorized or required by law.

1 (10.5) Failure to maintain client records of services
2 provided and provide copies to clients upon request.

3 (11) Exploiting a client for personal advantage,
4 profit, or interest.

5 (12) Habitual or excessive use or addiction to alcohol,
6 narcotics, stimulants, or any other chemical agent or drug
7 which results in inability to practice with reasonable
8 skill, judgment, or safety.

9 (13) Discipline by another governmental agency or unit
10 of government, by any jurisdiction of the United States, or
11 by a foreign nation, if at least one of the grounds for the
12 discipline is the same or substantially equivalent to those
13 set forth in this Section.

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

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

3 (15) A finding by the Department that the licensee,
4 after having the license placed on probationary status has
5 violated the terms of probation.

6 (16) Failing to refer a client to other health care
7 professionals when the licensee is unable or unwilling to
8 adequately support or serve the client.

9 (17) Willfully filing false reports relating to a
10 licensee's practice, including but not limited to false
11 records filed with federal or State agencies or
12 departments.

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

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

23 (20) Physical or mental disability, including
24 deterioration through the aging process or loss of
25 abilities and skills which results in the inability to
26 practice the profession with reasonable judgment, skill,

1 or safety.

2 (21) Solicitation of professional services by using
3 false or misleading advertising.

4 (22) Failure to file a return, or to pay the tax,
5 penalty of interest shown in a filed return, or to pay any
6 final assessment of tax, penalty or interest, as required
7 by any tax Act administered by the Illinois Department of
8 Revenue or any successor agency or the Internal Revenue
9 Service or any successor agency.

10 (23) Fraud or making any misrepresentation in applying
11 for or procuring a license under this Act or in connection
12 with applying for renewal of a license under this Act.

13 (24) Practicing or attempting to practice under a name
14 other than the full name as shown on the license or any
15 other legally authorized name.

16 (25) Gross overcharging for professional services,
17 including filing statements for collection of fees or
18 monies for which services are not rendered.

19 (26) (Blank).

20 (27) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered.

23 (28) Allowing one's license under this Act to be used
24 by an unlicensed person in violation of this Act.

25 (b) (Blank). ~~The Department shall deny, without hearing,~~
26 ~~any application or renewal for a license under this Act to any~~

1 ~~person who has defaulted on an educational loan guaranteed by~~
2 ~~the Illinois Student Assistance Commission; however, the~~
3 ~~Department may issue a license or renewal if the person in~~
4 ~~default has established a satisfactory repayment record as~~
5 ~~determined by the Illinois Student Assistance Commission.~~

6 (c) The determination by a court that a licensee is subject
7 to involuntary admission or judicial admission as provided in
8 the Mental Health and Developmental Disabilities Code will
9 result in an automatic suspension of his or her license. The
10 suspension will end upon a finding by a court that the licensee
11 is no longer subject to involuntary admission or judicial
12 admission, the issuance of an order so finding and discharging
13 the patient, and the determination of the Secretary that the
14 licensee be allowed to resume professional practice.

15 (d) The Department may refuse to issue or renew or may
16 suspend without hearing the license of any person who fails to
17 file a return, to pay the tax penalty or interest shown in a
18 filed return, or to pay any final assessment of the tax,
19 penalty, or interest as required by any Act regarding the
20 payment of taxes administered by the Illinois Department of
21 Revenue until the requirements of the Act are satisfied in
22 accordance with subsection (g) of Section 2105-15 of the Civil
23 Administrative Code of Illinois.

24 (e) In cases where the Department of Healthcare and Family
25 Services has previously determined that a licensee or a
26 potential licensee is more than 30 days delinquent in the

1 payment of child support and has subsequently certified the
2 delinquency to the Department, the Department may refuse to
3 issue or renew or may revoke or suspend that person's license
4 or may take other disciplinary action against that person based
5 solely upon the certification of delinquency made by the
6 Department of Healthcare and Family Services in accordance with
7 item (5) of subsection (a) of Section 2105-15 of the Department
8 of Professional Regulation Law of the Civil Administrative Code
9 of Illinois.

10 (f) All fines or costs imposed under this Section shall be
11 paid within 60 days after the effective date of the order
12 imposing the fine or costs or in accordance with the terms set
13 forth in the order imposing the fine.

14 (Source: P.A. 99-173, eff. 7-29-15; 99-633, eff. 1-1-17;
15 100-201, eff. 8-18-17; 100-513, eff. 1-1-18.)

16 Section 95. The Illinois Architecture Practice Act of 1989
17 is amended by changing Section 22 as follows:

18 (225 ILCS 305/22) (from Ch. 111, par. 1322)

19 (Section scheduled to be repealed on January 1, 2020)

20 Sec. 22. Refusal, suspension and revocation of licenses;
21 causes.

22 (a) The Department may, singularly or in combination,
23 refuse to issue, renew or restore, or may suspend, revoke,
24 place on probation, or take other disciplinary or

1 non-disciplinary action as deemed appropriate, including, but
2 not limited to, the imposition of fines not to exceed \$10,000
3 for each violation, as the Department may deem proper, with
4 regard to a license for any one or combination of the following
5 causes:

6 (1) material misstatement in furnishing information to
7 the Department;

8 (2) negligence, incompetence or misconduct in the
9 practice of architecture;

10 (3) failure to comply with any of the provisions of
11 this Act or any of the rules;

12 (4) making any misrepresentation for the purpose of
13 obtaining licensure;

14 (5) purposefully making false statements or signing
15 false statements, certificates or affidavits to induce
16 payment;

17 (6) conviction of or plea of guilty or nolo contendere
18 to any crime that is a felony under the laws of the United
19 States or any state or territory thereof or that is a
20 misdemeanor, an essential element of which is dishonesty,
21 or any crime that is directly related to the practice of
22 the profession of architecture;

23 (7) aiding or assisting another person in violating any
24 provision of this Act or its rules;

25 (8) signing, affixing the architect's seal or
26 permitting the architect's seal to be affixed to any

1 technical submission not prepared by the architect or under
2 that architect's responsible control;

3 (9) engaging in dishonorable, unethical or
4 unprofessional conduct of a character likely to deceive,
5 defraud or harm the public;

6 (10) habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in the inability to practice with reasonable
9 judgment, skill, or safety;

10 (11) making a statement of compliance pursuant to the
11 Environmental Barriers Act that technical submissions
12 prepared by the architect or prepared under the architect's
13 responsible control for construction or alteration of an
14 occupancy required to be in compliance with the
15 Environmental Barriers Act are in compliance with the
16 Environmental Barriers Act when such technical submissions
17 are not in compliance;

18 (12) a finding by the Board that an applicant or
19 registrant has failed to pay a fine imposed by the
20 Department or a registrant, whose license has been placed
21 on probationary status, has violated the terms of
22 probation;

23 (13) discipline by another state, territory, foreign
24 country, the District of Columbia, the United States
25 government, or any other governmental agency, if at least
26 one of the grounds for discipline is the same or

1 substantially equivalent to those set forth herein;

2 (14) failure to provide information in response to a
3 written request made by the Department within 30 days after
4 the receipt of such written request;

5 (15) physical illness, including, but not limited to,
6 deterioration through the aging process or loss of motor
7 skill, mental illness, or disability which results in the
8 inability to practice the profession with reasonable
9 judgment, skill, and safety, including without limitation
10 deterioration through the aging process, mental illness,
11 or disability.

12 (a-5) In enforcing this Section, the Department or Board,
13 upon a showing of a possible violation, may order a licensee or
14 applicant to submit to a mental or physical examination, or
15 both, at the expense of the Department. The Department or Board
16 may order the examining physician to present testimony
17 concerning his or her examination of the licensee or applicant.
18 No information shall be excluded by reason of any common law or
19 statutory privilege relating to communications between the
20 licensee or applicant and the examining physician. The
21 examining physicians shall be specifically designated by the
22 Board or Department. The licensee or applicant may have, at his
23 or her own expense, another physician of his or her choice
24 present during all aspects of the examination. Failure of a
25 licensee or applicant to submit to any such examination when
26 directed, without reasonable cause as defined by rule, shall be

1 grounds for either the immediate suspension of his or her
2 license or immediate denial of his or her application.

3 If the Secretary immediately suspends the license of a
4 licensee for his or her failure to submit to a mental or
5 physical examination when directed, a hearing must be convened
6 by the Department within 15 days after the suspension and
7 completed without appreciable delay.

8 If the Secretary otherwise suspends a license pursuant to
9 the results of the licensee's mental or physical examination, a
10 hearing must be convened by the Department within 15 days after
11 the suspension and completed without appreciable delay. The
12 Department and Board shall have the authority to review the
13 licensee's record of treatment and counseling regarding the
14 relevant impairment or impairments to the extent permitted by
15 applicable federal statutes and regulations safeguarding the
16 confidentiality of medical records.

17 Any licensee suspended under this subsection (a-5) shall be
18 afforded an opportunity to demonstrate to the Department or
19 Board that he or she can resume practice in compliance with the
20 acceptable and prevailing standards under the provisions of his
21 or her license.

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

1 longer subject to involuntary admission or judicial admission,
2 the issuance of an order so finding and discharging the
3 patient, and the recommendation of the Board to the Secretary
4 that the licensee be allowed to resume practice.

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

12 (d) In cases where the Department of Healthcare and Family
13 Services (formerly the Department of Public Aid) has previously
14 determined that a licensee or a potential licensee is more than
15 30 days delinquent in the payment of child support and has
16 subsequently certified the delinquency to the Department, the
17 Department shall refuse to issue or renew or shall revoke or
18 suspend that person's license or shall take other disciplinary
19 action against that person based solely upon the certification
20 of delinquency made by the Department of Healthcare and Family
21 Services in accordance with subdivision (a) (5) of Section
22 2105-15 of the Department of Professional Regulation Law of the
23 Civil Administrative Code of Illinois.

24 (e) The Department shall deny a license or renewal
25 authorized by this Act to a person who has failed to file a
26 return, to pay the tax, penalty, or interest shown in a filed

1 return, or to pay any final assessment of tax, penalty, or
2 interest as required by any tax Act administered by the
3 Department of Revenue, until such time as the requirements of
4 the tax Act are satisfied in accordance with subsection (g) of
5 Section 2105-15 of the Department of Professional Regulation
6 Law of the Civil Administrative Code of Illinois.

7 (f) Persons who assist the Department as consultants or
8 expert witnesses in the investigation or prosecution of alleged
9 violations of the Act, licensure matters, restoration
10 proceedings, or criminal prosecutions, shall not be liable for
11 damages in any civil action or proceeding as a result of such
12 assistance, except upon proof of actual malice. The attorney
13 general shall defend such persons in any such action or
14 proceeding.

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

16 Section 100. The Interior Design Title Act is amended by
17 changing Section 13 as follows:

18 (225 ILCS 310/13) (from Ch. 111, par. 8213)

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

20 Sec. 13. Refusal, revocation or suspension of
21 registration. The Department may refuse to issue, renew, or
22 restore or may revoke, suspend, place on probation, reprimand
23 or take other disciplinary action as the Department may deem
24 proper, including fines not to exceed \$5,000 for each

1 violation, with regard to any registration for any one or
2 combination of the following causes:

3 (a) Fraud in procuring the certificate of
4 registration.

5 (b) Habitual intoxication or addiction to the use of
6 drugs.

7 (c) Making any misrepresentations or false promises,
8 directly or indirectly, to influence, persuade, or induce
9 patronage.

10 (d) Professional connection or association with, or
11 lending his or her name, to another for illegal use of the
12 title "registered interior designer", or professional
13 connection or association with any person, firm, or
14 corporation holding itself out in any manner contrary to
15 this Act.

16 (e) Obtaining or seeking to obtain checks, money, or
17 any other items of value by false or fraudulent
18 representations.

19 (f) Use of the title under a name other than his or her
20 own.

21 (g) Improper, unprofessional, or dishonorable conduct
22 of a character likely to deceive, defraud, or harm the
23 public.

24 (h) Conviction in this or another state, or federal
25 court, of any crime which is a felony, if the Department
26 determines, after investigation, that such person has not

1 been sufficiently rehabilitated to warrant the public
2 trust.

3 (i) A violation of any provision of this Act or its
4 rules.

5 (j) Revocation by another state, the District of
6 Columbia, territory, or foreign nation of an interior
7 design or residential interior design registration if at
8 least one of the grounds for that revocation is the same as
9 or the equivalent of one of the grounds for revocation set
10 forth in this Act.

11 (k) Mental incompetence as declared by a court of
12 competent jurisdiction.

13 (l) Being named as a perpetrator in an indicated report
14 by the Department of Children and Family Services pursuant
15 to the Abused and Neglected Child Reporting Act, and upon
16 proof by clear and convincing evidence that the registrant
17 has caused a child to be an abused child or neglected child
18 as defined in the Abused and Neglected Child Reporting Act.

19 ~~The Department shall deny a registration or renewal~~
20 ~~authorized by this Act to any person who has defaulted on an~~
21 ~~educational loan guaranteed by the Illinois Student Assistance~~
22 ~~Commission; however, the Department may issue a certificate of~~
23 ~~registration or renewal if such person has established a~~
24 ~~satisfactory repayment record as determined by the Illinois~~
25 ~~Student Assistance Commission.~~

26 The Department may refuse to issue or may suspend the

1 registration of any person who fails to file a return, or to
2 pay the tax, penalty, or interest showing in a filed return, or
3 to pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Illinois Department
5 of Revenue, until such time as the requirements of any such tax
6 Act are satisfied.

7 The entry of a decree by any circuit court establishing
8 that any person holding a certificate of registration under
9 this Act is a person subject to involuntary admission under the
10 Mental Health and Developmental Disabilities Code shall
11 operate as a suspension of that registration. That person may
12 resume using the title "registered interior designer" only upon
13 a finding by the Board that he or she has been determined to be
14 no longer subject to involuntary admission by the court and
15 upon the Board's recommendation to the Director that he or she
16 be permitted to resume using the title "registered interior
17 designer".

18 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

19 Section 105. The Professional Engineering Practice Act of
20 1989 is amended by changing Section 24 as follows:

21 (225 ILCS 325/24) (from Ch. 111, par. 5224)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 24. Rules of professional conduct; disciplinary or
24 administrative action.

1 (a) The Department shall adopt rules setting standards of
2 professional conduct and establish appropriate penalties for
3 the breach of such rules.

4 (a-1) The Department may, singularly or in combination,
5 refuse to issue, renew, or restore a license or may revoke,
6 suspend, place on probation, reprimand, or take other
7 disciplinary or non-disciplinary action with regard to a person
8 licensed under this Act, including but not limited to, the
9 imposition of a fine not to exceed \$10,000 per violation upon
10 any person, corporation, partnership, or professional design
11 firm licensed or registered under this Act, for any one or
12 combination of the following causes:

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

15 (2) Violations of this Act or any of its rules.

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

22 (4) Making any misrepresentation for the purpose of
23 obtaining, renewing, or restoring a license or violating
24 any provision of this Act or the rules promulgated under
25 this Act pertaining to advertising.

26 (5) Willfully making or signing a false statement,

1 certificate, or affidavit to induce payment.

2 (6) Negligence, incompetence or misconduct in the
3 practice of professional engineering as a licensed
4 professional engineer or in working as an engineer intern.

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

7 (8) Failing to provide information in response to a
8 written request made by the Department within 30 days after
9 receipt of such written request.

10 (9) Engaging in dishonorable, unethical or
11 unprofessional conduct of a character likely to deceive,
12 defraud or harm the public.

13 (10) Inability to practice the profession with
14 reasonable judgment, skill, or safety as a result of a
15 physical illness, including, but not limited to,
16 deterioration through the aging process or loss of motor
17 skill, or mental illness or disability.

18 (11) Discipline by the United States Government,
19 another state, District of Columbia, territory, foreign
20 nation or government agency, if at least one of the grounds
21 for the discipline is the same or substantially equivalent
22 to those set forth in this Act.

23 (12) Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership or association
25 any fee, commission, rebate or other form of compensation
26 for any professional services not actually or personally

1 rendered.

2 (13) A finding by the Department that an applicant or
3 registrant has failed to pay a fine imposed by the
4 Department, a registrant whose license has been placed on
5 probationary status has violated the terms of probation, or
6 a registrant has practiced on an expired, inactive,
7 suspended, or revoked license.

8 (14) Signing, affixing the professional engineer's
9 seal or permitting the professional engineer's seal to be
10 affixed to any technical submissions not prepared as
11 required by Section 14 or completely reviewed by the
12 professional engineer or under the professional engineer's
13 direct supervision.

14 (15) Inability to practice the profession with
15 reasonable judgment, skill or safety as a result of
16 habitual or excessive use or addiction to alcohol,
17 narcotics, stimulants, or any other chemical agent or drug.

18 (16) The making of a statement pursuant to the
19 Environmental Barriers Act that a plan for construction or
20 alteration of a public facility or for construction of a
21 multi-story housing unit is in compliance with the
22 Environmental Barriers Act when such plan is not in
23 compliance.

24 (17) (Blank).

25 (a-2) The Department shall deny a license or renewal
26 authorized by this Act to a person who has failed to file a

1 return, to pay the tax, penalty, or interest shown in a filed
2 return, or to pay any final assessment of tax, penalty, or
3 interest as required by any tax Act administered by the
4 Department of Revenue, until such time as the requirements of
5 the tax Act are satisfied in accordance with subsection (g) of
6 Section 2105-15 of the Department of Professional Regulation
7 Law of the Civil Administrative Code of Illinois (20 ILCS
8 2105/2105-15).

9 (a-3) (Blank). ~~The Department shall deny a license or~~
10 ~~renewal authorized by this Act to a person who has defaulted on~~
11 ~~an educational loan or scholarship provided or guaranteed by~~
12 ~~the Illinois Student Assistance Commission or any governmental~~
13 ~~agency of this State in accordance with subdivision (a) (5) of~~
14 ~~Section 2105-15 of the Department of Professional Regulation~~
15 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
16 ~~2105/2105-15).~~

17 (a-4) In cases where the Department of Healthcare and
18 Family Services (formerly the Department of Public Aid) has
19 previously determined that a licensee or a potential licensee
20 is more than 30 days delinquent in the payment of child support
21 and has subsequently certified the delinquency to the
22 Department, the Department shall refuse to issue or renew or
23 shall revoke or suspend that person's license or shall take
24 other disciplinary action against that person based solely upon
25 the certification of delinquency made by the Department of
26 Healthcare and Family Services in accordance with subdivision

1 (a) (5) of Section 2105-15 of the Department of Professional
2 Regulation Law of the Civil Administrative Code of Illinois (20
3 ILCS 2105/2105-15).

4 (a-5) In enforcing this Section, the Department or Board,
5 upon a showing of a possible violation, may order a licensee or
6 applicant to submit to a mental or physical examination, or
7 both, at the expense of the Department. The Department or Board
8 may order the examining physician to present testimony
9 concerning his or her examination of the licensee or applicant.
10 No information shall be excluded by reason of any common law or
11 statutory privilege relating to communications between the
12 licensee or applicant and the examining physician. The
13 examining physicians shall be specifically designated by the
14 Board or Department. The licensee or applicant may have, at his
15 or her own expense, another physician of his or her choice
16 present during all aspects of the examination. Failure of a
17 licensee or applicant to submit to any such examination when
18 directed, without reasonable cause as defined by rule, shall be
19 grounds for either the immediate suspension of his or her
20 license or immediate denial of his or her application.

21 If the Secretary immediately suspends the license of a
22 licensee for his or her failure to submit to a mental or
23 physical examination when directed, a hearing must be convened
24 by the Department within 15 days after the suspension and
25 completed without appreciable delay.

26 If the Secretary otherwise suspends a license pursuant to

1 the results of the licensee's mental or physical examination, a
2 hearing must be convened by the Department within 15 days after
3 the suspension and completed without appreciable delay. The
4 Department and Board shall have the authority to review the
5 licensee's record of treatment and counseling regarding the
6 relevant impairment or impairments to the extent permitted by
7 applicable federal statutes and regulations safeguarding the
8 confidentiality of medical records.

9 Any licensee suspended under this subsection (a-5) shall be
10 afforded an opportunity to demonstrate to the Department or
11 Board that he or she can resume practice in compliance with the
12 acceptable and prevailing standards under the provisions of his
13 or her license.

14 (b) The determination by a circuit court that a registrant
15 is subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code, as now or hereafter amended, operates as an automatic
18 suspension. Such suspension will end only upon a finding by a
19 court that the patient is no longer subject to involuntary
20 admission or judicial admission, the issuance of an order so
21 finding and discharging the patient, and the recommendation of
22 the Board to the Director that the registrant be allowed to
23 resume practice.

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

25 Section 110. The Illinois Professional Land Surveyor Act of

1 1989 is amended by changing Section 27 as follows:

2 (225 ILCS 330/27) (from Ch. 111, par. 3277)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 27. Grounds for disciplinary action.

5 (a) The Department may refuse to issue or renew a license,
6 or may place on probation or administrative supervision,
7 suspend, or revoke any license, or may reprimand or take any
8 disciplinary or non-disciplinary action as the Department may
9 deem proper, including the imposition of fines not to exceed
10 \$10,000 per violation, upon any person, corporation,
11 partnership, or professional land surveying firm licensed or
12 registered under this Act for any of the following reasons:

13 (1) material misstatement in furnishing information to
14 the Department;

15 (2) violation, including, but not limited to, neglect
16 or intentional disregard, of this Act, or its rules;

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

23 (4) making any misrepresentation for the purpose of
24 obtaining a license, or in applying for restoration or
25 renewal, or the practice of any fraud or deceit in taking

1 any examination to qualify for licensure under this Act;

2 (5) purposefully making false statements or signing
3 false statements, certificates, or affidavits to induce
4 payment;

5 (6) proof of carelessness, incompetence, negligence,
6 or misconduct in practicing land surveying;

7 (7) aiding or assisting another person in violating any
8 provision of this Act or its rules;

9 (8) failing to provide information in response to a
10 written request made by the Department within 30 days after
11 receipt of such written request;

12 (9) engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public;

15 (10) inability to practice with reasonable judgment,
16 skill, or safety as a result of habitual or excessive use
17 of, or addiction to, alcohol, narcotics, stimulants or any
18 other chemical agent or drug;

19 (11) discipline by the United States government,
20 another state, District of Columbia, territory, foreign
21 nation or government agency if at least one of the grounds
22 for the discipline is the same or substantially equivalent
23 to those set forth in this Act;

24 (12) directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate, or other form of compensation

1 for any professional services not actually or personally
2 rendered;

3 (12.5) issuing a map or plat of survey where the fee
4 for professional services is contingent on a real estate
5 transaction closing;

6 (13) a finding by the Department that an applicant or
7 licensee has failed to pay a fine imposed by the Department
8 or a licensee whose license has been placed on probationary
9 status has violated the terms of probation;

10 (14) practicing on an expired, inactive, suspended, or
11 revoked license;

12 (15) signing, affixing the Professional Land
13 Surveyor's seal or permitting the Professional Land
14 Surveyor's seal to be affixed to any map or plat of survey
15 not prepared by the Professional Land Surveyor or under the
16 Professional Land Surveyor's direct supervision and
17 control;

18 (16) inability to practice the profession with
19 reasonable judgment, skill, or safety as a result of
20 physical illness, including, but not limited to,
21 deterioration through the aging process or loss of motor
22 skill or a mental illness or disability;

23 (17) (blank); or

24 (18) failure to adequately supervise or control land
25 surveying operations being performed by subordinates.

26 (a-5) In enforcing this Section, the Department or Board,

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

21 If the Secretary immediately suspends the license of a
22 licensee for his or her failure to submit to a mental or
23 physical examination when directed, a hearing must be convened
24 by the Department within 15 days after the suspension and
25 completed without appreciable delay.

26 If the Secretary otherwise suspends a person's license

1 pursuant to the results of a compelled mental or physical
2 examination, a hearing on that person's license must be
3 convened by the Department within 15 days after the suspension
4 and completed without appreciable delay. The Department and
5 Board shall have the authority to review the subject
6 individual's record of treatment and counseling regarding
7 impairment to the extent permitted by applicable federal
8 statutes and regulations safeguarding the confidentiality of
9 medical records.

10 Any licensee suspended under this subsection (a-5) shall be
11 afforded an opportunity to demonstrate to the Department or
12 Board that he or she can resume practice in compliance with the
13 acceptable and prevailing standards under the provisions of his
14 or her license.

15 (b) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code, as now or hereafter amended, operates as an automatic
19 license suspension. Such suspension will end only upon a
20 finding by a court that the patient is no longer subject to
21 involuntary admission or judicial admission and the issuance of
22 an order so finding and discharging the patient and upon the
23 recommendation of the Board to the Director that the licensee
24 be allowed to resume his or her practice.

25 (c) (Blank). ~~The Department shall deny a license or renewal~~
26 ~~authorized by this Act to a person who has defaulted on an~~

1 ~~educational loan or scholarship provided or guaranteed by the~~
2 ~~Illinois Student Assistance Commission or any governmental~~
3 ~~agency of this State in accordance with subdivision (a) (5) of~~
4 ~~Section 2105-15 of the Department of Professional Regulation~~
5 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
6 ~~2105/2105-15).~~

7 (d) In cases where the Department of Healthcare and Family
8 Services (formerly the Department of Public Aid) has previously
9 determined that a licensee or a potential licensee is more than
10 30 days delinquent in the payment of child support and has
11 subsequently certified the delinquency to the Department, the
12 Department shall refuse to issue or renew or shall revoke or
13 suspend that person's license or shall take other disciplinary
14 action against that person based solely upon the certification
15 of delinquency made by the Department of Healthcare and Family
16 Services in accordance with subdivision (a) (5) of Section
17 2105-15 of the Department of Professional Regulation Law of the
18 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

19 (e) The Department shall refuse to issue or renew or shall
20 revoke or suspend a person's license or shall take other
21 disciplinary action against that person for his or her failure
22 to file a return, to pay the tax, penalty, or interest shown in
23 a filed return, or to pay any final assessment of tax, penalty,
24 or interest as required by any tax Act administered by the
25 Department of Revenue, until such time as the requirements of
26 the tax Act are satisfied in accordance with subsection (g) of

1 Section 2105-15 of the Department of Professional Regulation
2 Law of the Civil Administrative Code of Illinois (20 ILCS
3 2105/2105-15).

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

5 Section 115. The Structural Engineering Practice Act of
6 1989 is amended by changing Section 20 as follows:

7 (225 ILCS 340/20) (from Ch. 111, par. 6620)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 20. Refusal; revocation; suspension.

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

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

18 (2) Negligence, incompetence or misconduct in the
19 practice of structural engineering;

20 (3) Making any misrepresentation for the purpose of
21 obtaining licensure;

22 (4) The affixing of a licensed structural engineer's
23 seal to any plans, specifications or drawings which have
24 not been prepared by or under the immediate personal

1 supervision of that licensed structural engineer or
2 reviewed as provided in this Act;

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

9 (6) Making a statement of compliance pursuant to the
10 Environmental Barriers Act, as now or hereafter amended,
11 that a plan for construction or alteration of a public
12 facility or for construction of a multi-story housing unit
13 is in compliance with the Environmental Barriers Act when
14 such plan is not in compliance;

15 (7) Failure to comply with any of the provisions of
16 this Act or its rules;

17 (8) Aiding or assisting another person in violating any
18 provision of this Act or its rules;

19 (9) Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public, as defined by rule;

22 (10) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 that results in the inability to practice with reasonable
25 judgment, skill, or safety;

26 (11) Failure of an applicant or licensee to pay a fine

1 imposed by the Department or a licensee whose license has
2 been placed on probationary status has violated the terms
3 of probation;

4 (12) Discipline by another state, territory, foreign
5 country, the District of Columbia, the United States
6 government, or any other governmental agency, if at least
7 one of the grounds for discipline is the same or
8 substantially equivalent to those set forth in this
9 Section;

10 (13) Failure to provide information in response to a
11 written request made by the Department within 30 days after
12 the receipt of such written request; or

13 (14) Physical illness, including but not limited to,
14 deterioration through the aging process or loss of motor
15 skill, mental illness, or disability which results in the
16 inability to practice the profession of structural
17 engineering with reasonable judgment, skill, or safety.

18 (a-5) In enforcing this Section, the Department or Board,
19 upon a showing of a possible violation, may order a licensee or
20 applicant to submit to a mental or physical examination, or
21 both, at the expense of the Department. The Department or Board
22 may order the examining physician to present testimony
23 concerning his or her examination of the licensee or applicant.
24 No information shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician. The

1 examining physicians shall be specifically designated by the
2 Board or Department. The licensee or applicant may have, at his
3 or her own expense, another physician of his or her choice
4 present during all aspects of the examination. Failure of a
5 licensee or applicant to submit to any such examination when
6 directed, without reasonable cause as defined by rule, shall be
7 grounds for either the immediate suspension of his or her
8 license or immediate denial of his or her application.

9 If the Secretary immediately suspends the license of a
10 licensee for his or her failure to submit to a mental or
11 physical examination when directed, a hearing must be convened
12 by the Department within 15 days after the suspension and
13 completed without appreciable delay.

14 If the Secretary otherwise suspends a license pursuant to
15 the results of the licensee's mental or physical examination, a
16 hearing must be convened by the Department within 15 days after
17 the suspension and completed without appreciable delay. The
18 Department and Board shall have the authority to review the
19 licensee's record of treatment and counseling regarding the
20 relevant impairment or impairments to the extent permitted by
21 applicable federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 Any licensee suspended under this subsection (a-5) shall be
24 afforded an opportunity to demonstrate to the Department or
25 Board that he or she can resume practice in compliance with the
26 acceptable and prevailing standards under the provisions of his

1 or her license.

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

11 (c) (Blank). ~~The Department shall deny a license or renewal~~
12 ~~authorized by this Act to a person who has defaulted on an~~
13 ~~educational loan or scholarship provided or guaranteed by the~~
14 ~~Illinois Student Assistance Commission or any governmental~~
15 ~~agency of this State in accordance with subdivision (a) (5) of~~
16 ~~Section 2105-15 of the Department of Professional Regulation~~
17 ~~Law of the Civil Administrative Code of Illinois.~~

18 (d) In cases where the Department of Healthcare and Family
19 Services (formerly the Department of Public Aid) has previously
20 determined that a licensee or a potential licensee is more than
21 30 days delinquent in the payment of child support and has
22 subsequently certified the delinquency to the Department, the
23 Department shall refuse to issue or renew or shall revoke or
24 suspend that person's license or shall take other disciplinary
25 action against that person based solely upon the certification
26 of delinquency made by the Department of Healthcare and Family

1 Services in accordance with subdivision (a)(5) of Section
2 2105-15 of the Department of Professional Regulation Law of the
3 Civil Administrative Code of Illinois.

4 (e) The Department shall deny a license or renewal
5 authorized by this Act to a person who has failed to file a
6 return, to pay the tax, penalty, or interest shown in a filed
7 return, or to pay any final assessment of tax, penalty, or
8 interest as required by any tax Act administered by the
9 Department of Revenue, until such time as the requirements of
10 the tax Act are satisfied in accordance with subsection (g) of
11 Section 2105-15 of the Department of Professional Regulation
12 Law of the Civil Administrative Code of Illinois.

13 (f) Persons who assist the Department as consultants or
14 expert witnesses in the investigation or prosecution of alleged
15 violations of the Act, licensure matters, restoration
16 proceedings, or criminal prosecutions, are not liable for
17 damages in any civil action or proceeding as a result of such
18 assistance, except upon proof of actual malice. The Attorney
19 General of the State of Illinois shall defend such persons in
20 any such action or proceeding.

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

22 Section 120. The Auction License Act is amended by changing
23 Section 20-20 as follows:

24 (225 ILCS 407/20-20)

1 (Section scheduled to be repealed on January 1, 2020)

2 Sec. 20-20. Termination without hearing for failure to pay
3 taxes or ~~7~~ child support, ~~or a student loan~~. The Department may
4 terminate or otherwise discipline any license issued under this
5 Act without hearing if the appropriate administering agency
6 provides adequate information and proof that the licensee has:

7 (1) failed to file a return, to pay the tax, penalty,
8 or interest shown in a filed return, or to pay any final
9 assessment of tax, penalty, or interest, as required by any
10 tax act administered by the Illinois Department of Revenue
11 until the requirements of the tax act are satisfied;

12 (2) failed to pay any court ordered child support as
13 determined by a court order or by referral from the
14 Department of Healthcare and Family Services (formerly
15 Illinois Department of Public Aid); or

16 (3) (blank). ~~failed to repay any student loan or~~
17 ~~assistance as determined by the Illinois Student~~
18 ~~Assistance Commission.~~

19 If a license is terminated or otherwise disciplined
20 pursuant to this Section, the licensee may request a hearing as
21 provided by this Act within 30 days of notice of termination or
22 discipline.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-572, eff. 6-1-08.)

24 Section 125. The Barber, Cosmetology, Esthetics, Hair
25 Braiding, and Nail Technology Act of 1985 is amended by

1 changing Section 4-7 as follows:

2 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

4 Sec. 4-7. Refusal, suspension and revocation of licenses;
5 causes; disciplinary action.

6 (1) The Department may refuse to issue or renew, and may
7 suspend, revoke, place on probation, reprimand or take any
8 other disciplinary or non-disciplinary action as the
9 Department may deem proper, including civil penalties not to
10 exceed \$500 for each violation, with regard to any license for
11 any one, or any combination, of the following causes:

12 a. For licensees, conviction of any crime under the
13 laws of the United States or any state or territory thereof
14 that is (i) a felony, (ii) a misdemeanor, an essential
15 element of which is dishonesty, or (iii) a crime which is
16 related to the practice of the profession and, for initial
17 applicants, convictions set forth in Section 4-6.1 of this
18 Act.

19 b. Conviction of any of the violations listed in
20 Section 4-20.

21 c. Material misstatement in furnishing information to
22 the Department.

23 d. Making any misrepresentation for the purpose of
24 obtaining a license or violating any provision of this Act
25 or its rules.

1 e. Aiding or assisting another person in violating any
2 provision of this Act or its rules.

3 f. Failing, within 60 days, to provide information in
4 response to a written request made by the Department.

5 g. Discipline by another state, territory, or country
6 if at least one of the grounds for the discipline is the
7 same as or substantially equivalent to those set forth in
8 this Act.

9 h. Practice in the barber, nail technology, esthetics,
10 hair braiding, or cosmetology profession, or an attempt to
11 practice in those professions, by fraudulent
12 misrepresentation.

13 i. Gross malpractice or gross incompetency.

14 j. Continued practice by a person knowingly having an
15 infectious or contagious disease.

16 k. Solicitation of professional services by using
17 false or misleading advertising.

18 l. A finding by the Department that the licensee, after
19 having his or her license placed on probationary status,
20 has violated the terms of probation.

21 m. Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership or association
23 any fee, commission, rebate, or other form of compensation
24 for any professional services not actually or personally
25 rendered.

26 n. Violating any of the provisions of this Act or rules

1 adopted pursuant to this Act.

2 o. Willfully making or filing false records or reports
3 relating to a licensee's practice, including but not
4 limited to, false records filed with State agencies or
5 departments.

6 p. Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in the inability to practice with reasonable
9 judgment, skill or safety.

10 q. Engaging in dishonorable, unethical or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public as may be defined by rules of
13 the Department, or violating the rules of professional
14 conduct which may be adopted by the Department.

15 r. Permitting any person to use for any unlawful or
16 fraudulent purpose one's diploma or license or certificate
17 of registration as a cosmetologist, nail technician,
18 esthetician, hair braider, or barber or cosmetology, nail
19 technology, esthetics, hair braiding, or barber teacher or
20 salon or shop or cosmetology clinic teacher.

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

1 t. Operating a salon or shop without a valid
2 registration.

3 u. Failure to complete required continuing education
4 hours.

5 (2) In rendering an order, the Secretary shall take into
6 consideration the facts and circumstances involving the type of
7 acts or omissions in paragraph (1) of this Section including,
8 but not limited to:

9 (a) the extent to which public confidence in the
10 cosmetology, nail technology, esthetics, hair braiding, or
11 barbering profession was, might have been, or may be,
12 injured;

13 (b) the degree of trust and dependence among the
14 involved parties;

15 (c) the character and degree of harm which did result
16 or might have resulted;

17 (d) the intent or mental state of the licensee at the
18 time of the acts or omissions.

19 (3) The Department may reissue the license or registration
20 upon certification by the Board that the disciplined licensee
21 or registrant has complied with all of the terms and conditions
22 set forth in the final order or has been sufficiently
23 rehabilitated to warrant the public trust.

24 (4) The Department shall refuse to issue or renew or
25 suspend without hearing the license or certificate of
26 registration of any person who fails to file a return, or to

1 pay the tax, penalty or interest shown in a filed return, or to
2 pay any final assessment of tax, penalty or interest, as
3 required by any tax Act administered by the Illinois Department
4 of Revenue, until such time as the requirements of any such tax
5 Act are satisfied as determined by the Department of Revenue.

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

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

18 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15;
19 99-876, eff. 1-1-17.)

20 Section 130. The Electrologist Licensing Act is amended by
21 changing Section 75 as follows:

22 (225 ILCS 412/75)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 75. Grounds for discipline.

1 (a) The Department may refuse to issue or renew and may
2 revoke or suspend a license under this Act, and may place on
3 probation, reprimand, or take other disciplinary or
4 non-disciplinary action with regard to any licensee under this
5 Act, as the Department may consider appropriate, including
6 imposing fines not to exceed \$10,000 for each violation and
7 assess costs as provided for under Section 95 of this Act, for
8 one or any combination of the following causes:

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

11 (2) Violation of this Act or rules adopted under this
12 Act.

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

22 (4) Fraud or misrepresentation in applying for or
23 procuring a license under this Act, or in connection with
24 applying for renewal of a license under this Act.

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

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

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

6 (8) Habitual or excessive use or abuse of drugs defined
7 in law as controlled substances, alcohol, or any other
8 substance that results in an electrologist's inability to
9 practice with reasonable judgment, skill, or safety.

10 (9) Discipline by another governmental agency, unit of
11 government, U.S. jurisdiction, or foreign nation if at
12 least one of the grounds for discipline is the same as or
13 substantially equivalent to any of those set forth in this
14 Act.

15 (10) Directly or indirectly giving to or receiving from
16 any person, firm, corporation, partnership, or association
17 any fee, commission, rebate, or other form of compensation
18 for any professional services not actually or personally
19 rendered. Nothing in this paragraph (10) affects any bona
20 fide independent contractor or employment arrangements
21 among health care professionals, health facilities, health
22 care providers, or other entities, except as otherwise
23 prohibited by law. Any employment arrangements with health
24 care providers may include provisions for compensation,
25 health insurance, pension, or other employment benefits
26 for the provision of services within the scope of the

1 licensee's practice under this Act. Nothing in this
2 paragraph (10) shall be construed to require an employment
3 arrangement to receive professional fees for services
4 rendered.

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

8 (12) Abandonment of a patient.

9 (13) Willfully making or filing false records or
10 reports in the licensee's practice, including, but not
11 limited to, false records filed with State agencies or
12 departments.

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

18 (15) Negligence in his or her practice under this Act.

19 (16) Use of fraud, deception, or any unlawful means in
20 applying for and securing a license as an electrologist.

21 (17) Immoral conduct in the commission of any act, such
22 as sexual abuse, sexual misconduct, or sexual
23 exploitation, related to the licensee's practice.

24 (18) Failure to comply with standards of sterilization
25 and sanitation as defined in the rules of the Department.

26 (19) Charging for professional services not rendered,

1 including filing false statements for the collection of
2 fees for which services are not rendered.

3 (20) Allowing one's license under this Act to be used
4 by an unlicensed person in violation of this Act.

5 (b) The Department may refuse to issue or renew or may
6 suspend without hearing the license of any person who fails to
7 file a return, to pay the tax, penalty or interest shown in a
8 filed return, or to pay any final assessment of the tax,
9 penalty, or interest as required by any tax Act administered by
10 the Illinois Department of Revenue until the requirements of
11 the tax Act are satisfied in accordance with subsection (g) of
12 Section 2105-15 of the Department of Professional Regulation
13 Law of the Civil Administrative Code of Illinois.

14 (c) The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code operates as an automatic suspension. The suspension will
18 end only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission,
20 the issuance of an order so finding and discharging the
21 patient, and the filing of a petition for restoration
22 demonstrating fitness to practice.

23 (d) In enforcing this Section, the Department, upon a
24 showing of a possible violation, may compel any individual who
25 is licensed to practice under this Act or any individual who
26 has applied for licensure to submit to a mental or physical

1 examination and evaluation, or both, that may include a
2 substance abuse or sexual offender evaluation, at the expense
3 of the Department. The Department shall specifically designate
4 the examining physician licensed to practice medicine in all of
5 its branches or, if applicable, the multidisciplinary team
6 involved in providing the mental or physical examination and
7 evaluation, or both. The multidisciplinary team shall be led by
8 a physician licensed to practice medicine in all of its
9 branches and may consist of one or more or a combination of
10 physicians licensed to practice medicine in all of its
11 branches, licensed chiropractic physicians, licensed clinical
12 psychologists, licensed clinical social workers, licensed
13 clinical professional counselors, and other professional and
14 administrative staff. Any examining physician or member of the
15 multidisciplinary team may require any person ordered to submit
16 to an examination and evaluation pursuant to this Section to
17 submit to any additional supplemental testing deemed necessary
18 to complete any examination or evaluation process, including,
19 but not limited to, blood testing, urinalysis, psychological
20 testing, or neuropsychological testing.

21 The Department may order the examining physician or any
22 member of the multidisciplinary team to provide to the
23 Department any and all records, including business records,
24 that relate to the examination and evaluation, including any
25 supplemental testing performed. The Department may order the
26 examining physician or any member of the multidisciplinary team

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

18 Failure of any individual to submit to mental or physical
19 examination and evaluation, or both, when directed, shall
20 result in an automatic suspension without hearing, until such
21 time as the individual submits to the examination. If the
22 Department finds a licensee unable to practice because of the
23 reasons set forth in this Section, the Department shall require
24 the licensee to submit to care, counseling, or treatment by
25 physicians approved or designated by the Department as a
26 condition for continued, reinstated, or renewed licensure to

1 practice.

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

10 Individuals licensed under this Act affected under this
11 Section shall be afforded an opportunity to demonstrate to the
12 Department that they can resume practice in compliance with
13 acceptable and prevailing standards under the provisions of
14 their license.

15 (e) (Blank). ~~The Department shall deny a license or renewal~~
16 ~~authorized by this Act to a person who has defaulted on an~~
17 ~~educational loan or scholarship provided or guaranteed by the~~
18 ~~Illinois Student Assistance Commission or any governmental~~
19 ~~agency of this State in accordance with item (5) of subsection~~
20 ~~(a) of Section 2105-15 of the Department of Professional~~
21 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

22 (f) In cases where the Department of Healthcare and Family
23 Services has previously determined a licensee or a potential
24 licensee is more than 30 days delinquent in the payment of
25 child support and has subsequently certified the delinquency to
26 the Department, the Department may refuse to issue or renew or

1 may revoke or suspend that person's license or may take other
2 disciplinary action against that person based solely upon the
3 certification of delinquency made by the Department of
4 Healthcare and Family Services in accordance with item (5) of
5 subsection (a) of Section 2105-15 of the Department of
6 Professional Regulation Law of the Civil Administrative Code of
7 Illinois.

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

12 (Source: P.A. 98-363, eff. 8-16-13.)

13 Section 135. The Illinois Certified Shorthand Reporters
14 Act of 1984 is amended by changing Section 23 as follows:

15 (225 ILCS 415/23) (from Ch. 111, par. 6223)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 23. Grounds for disciplinary action.

18 (a) The Department may refuse to issue or renew, or may
19 revoke, suspend, place on probation, reprimand or take other
20 disciplinary or non-disciplinary action as the Department may
21 deem appropriate, including imposing fines not to exceed
22 \$10,000 for each violation and the assessment of costs as
23 provided for in Section 23.3 of this Act, with regard to any
24 license for any one or combination of the following:

1 (1) Material misstatement in furnishing information to
2 the Department;

3 (2) Violations of this Act, or of the rules promulgated
4 thereunder;

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

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

17 (5) Professional incompetence;

18 (6) Aiding or assisting another person, firm,
19 partnership or corporation in violating any provision of
20 this Act or rules;

21 (7) Failing, within 60 days, to provide information in
22 response to a written request made by the Department;

23 (8) Engaging in dishonorable, unethical or
24 unprofessional conduct of a character likely to deceive,
25 defraud or harm the public;

26 (9) Habitual or excessive use or abuse of drugs defined

1 in law as controlled substances, alcohol, or any other
2 substances that results in the inability to practice with
3 reasonable judgment, skill, or safety;

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

9 (11) Charging for professional services not rendered,
10 including filing false statements for the collection of
11 fees for which services were not rendered, or giving,
12 directly or indirectly, any gift or anything of value to
13 attorneys or their staff or any other persons or entities
14 associated with any litigation, that exceeds \$100 total per
15 year; for the purposes of this Section, pro bono services,
16 as defined by State law, are permissible in any amount;

17 (12) A finding by the Board that the certificate
18 holder, after having his certificate placed on
19 probationary status, has violated the terms of probation;

20 (13) Willfully making or filing false records or
21 reports in the practice of shorthand reporting, including
22 but not limited to false records filed with State agencies
23 or departments;

24 (14) Physical illness, including but not limited to,
25 deterioration through the aging process, or loss of motor
26 skill which results in the inability to practice under this

1 Act with reasonable judgment, skill or safety;

2 (15) Solicitation of professional services other than
3 by permitted advertising;

4 (16) Willful failure to take full and accurate
5 stenographic notes of any proceeding;

6 (17) Willful alteration of any stenographic notes
7 taken at any proceeding;

8 (18) Willful failure to accurately transcribe verbatim
9 any stenographic notes taken at any proceeding;

10 (19) Willful alteration of a transcript of
11 stenographic notes taken at any proceeding;

12 (20) Affixing one's signature to any transcript of his
13 stenographic notes or certifying to its correctness unless
14 the transcript has been prepared by him or under his
15 immediate supervision;

16 (21) Willful failure to systematically retain
17 stenographic notes or transcripts on paper or any
18 electronic media for 10 years from the date that the notes
19 or transcripts were taken;

20 (22) Failure to deliver transcripts in a timely manner
21 or in accordance with contractual agreements;

22 (23) Establishing contingent fees as a basis of
23 compensation;

24 (24) Mental illness or disability that results in the
25 inability to practice under this Act with reasonable
26 judgment, skill, or safety;

1 (25) Practicing under a false or assumed name, except
2 as provided by law;

3 (26) Cheating on or attempting to subvert the licensing
4 examination administered under this Act;

5 (27) Allowing one's license under this Act to be used
6 by an unlicensed person in violation of this Act.

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

11 (b) The determination by a circuit court that a certificate
12 holder is subject to involuntary admission or judicial
13 admission as provided in the Mental Health and Developmental
14 Disabilities Code, operates as an automatic suspension. Such
15 suspension will end only upon a finding by a court that the
16 patient is no longer subject to involuntary admission or
17 judicial admission, an order by the court so finding and
18 discharging the patient. In any case where a license is
19 suspended under this Section, the licensee may file a petition
20 for restoration and shall include evidence acceptable to the
21 Department that the licensee can resume practice in compliance
22 with acceptable and prevailing standards of the profession.

23 (c) In cases where the Department of Healthcare and Family
24 Services has previously determined a licensee or a potential
25 licensee is more than 30 days delinquent in the payment of
26 child support and has subsequently certified the delinquency to

1 the Department, the Department may refuse to issue or renew or
2 may revoke or suspend that person's license or may take other
3 disciplinary action against that person based solely upon the
4 certification of delinquency made by the Department of
5 Healthcare and Family Services in accordance with item (5) of
6 subsection (a) of Section 2105-15 of the Civil Administrative
7 Code of Illinois.

8 (d) In enforcing this Section, the Department, upon a
9 showing of a possible violation, may compel any individual who
10 is certified under this Act or any individual who has applied
11 for certification under this Act to submit to a mental or
12 physical examination and evaluation, or both, which may include
13 a substance abuse or sexual offender evaluation, at the expense
14 of the Department. The Department shall specifically designate
15 the examining physician licensed to practice medicine in all of
16 its branches or, if applicable, the multidisciplinary team
17 involved in providing the mental or physical examination and
18 evaluation, or both. The multidisciplinary team shall be led by
19 a physician licensed to practice medicine in all of its
20 branches and may consist of one or more or a combination of
21 physicians licensed to practice medicine in all of its
22 branches, licensed chiropractic physicians, licensed clinical
23 psychologists, licensed clinical social workers, licensed
24 clinical professional counselors, and other professional and
25 administrative staff. Any examining physician or member of the
26 multidisciplinary team may require any person ordered to submit

1 to an examination and evaluation pursuant to this Section to
2 submit to any additional supplemental testing deemed necessary
3 to complete any examination or evaluation process, including,
4 but not limited to, blood testing, urinalysis, psychological
5 testing, or neuropsychological testing.

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

1 individual to be examined may have, at his or her own expense,
2 another physician of his or her choice present during all
3 aspects of the examination.

4 Failure of any individual to submit to mental or physical
5 examination and evaluation, or both, when directed, shall
6 result in an automatic suspension, without hearing, until such
7 time as the individual submits to the examination. If the
8 Department finds a certified shorthand reporter unable to
9 practice because of the reasons set forth in this Section, the
10 Department shall require the certified shorthand reporter to
11 submit to care, counseling, or treatment by physicians approved
12 or designated by the Department, as a condition for continued,
13 reinstated, or renewed certification.

14 When the Secretary immediately suspends a certificate
15 under this Section, a hearing upon the person's certificate
16 must be convened by the Department within 15 days after the
17 suspension and completed without appreciable delay. The
18 Department shall have the authority to review the certified
19 shorthand reporter's record of treatment and counseling
20 regarding the impairment, to the extent permitted by applicable
21 federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 Individuals certified under this Act, affected under this
24 Section, shall be afforded an opportunity to demonstrate to the
25 Department that they can resume practice in compliance with
26 acceptable and prevailing standards under the provisions of

1 their certification.

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

9 (f) The Department may refuse to issue or may suspend
10 without hearing, as provided for in the Code of Civil
11 Procedure, the license of any person who fails to file a
12 return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay any final assessment of tax, penalty, or
14 interest as required by any tax Act administered by the
15 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied in accordance
17 with subsection (g) of Section 2105-15 of the Civil
18 Administrative Code of Illinois.

19 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

20 Section 140. The Collection Agency Act is amended by
21 changing Section 9 as follows:

22 (225 ILCS 425/9) (from Ch. 111, par. 2012)

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

24 Sec. 9. Disciplinary actions.

1 (a) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand or take other
3 disciplinary or non-disciplinary action as the Department may
4 deem proper, including fines not to exceed \$10,000 per
5 violation, for any one or any combination of the following
6 causes:

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

9 (2) Violations of this Act or of the rules promulgated
10 hereunder.

11 (3) Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing of any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation of the
16 collection agency or any of the officers or owners of more
17 than 10% interest of the agency of any crime under the laws
18 of any U.S. jurisdiction that (i) is a felony, (ii) is a
19 misdemeanor, an essential element of which is dishonesty,
20 or (iii) is directly related to the practice of a
21 collection agency.

22 (4) Fraud or misrepresentation in applying for, or
23 procuring, a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (5) Aiding or assisting another person in violating any
26 provision of this Act or rules adopted under this Act.

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

3 (7) Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants or any other chemical agent or drug
5 which results in the inability to practice with reasonable
6 judgment, skill, or safety by any of the officers or owners
7 of 10% or more interest of a collection agency.

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

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

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

19 (11) Practicing or attempting to practice under a false
20 or, except as provided by law, an assumed name.

21 (12) A finding by the Federal Trade Commission that a
22 licensee violated the federal Fair Debt Collection
23 Practices Act or its rules.

24 (13) Failure to file a return, or to pay the tax,
25 penalty or interest shown in a filed return, or to pay any
26 final assessment of tax, penalty or interest, as required

1 by any tax Act administered by the Illinois Department of
2 Revenue until such time as the requirements of any such tax
3 Act are satisfied.

4 (14) Using or threatening to use force or violence to
5 cause physical harm to a debtor, his or her family or his
6 or her property.

7 (15) Threatening to instigate an arrest or criminal
8 prosecution where no basis for a criminal complaint
9 lawfully exists.

10 (16) Threatening the seizure, attachment or sale of a
11 debtor's property where such action can only be taken
12 pursuant to court order without disclosing that prior court
13 proceedings are required.

14 (17) Disclosing or threatening to disclose information
15 adversely affecting a debtor's reputation for credit
16 worthiness with knowledge the information is false.

17 (18) Initiating or threatening to initiate
18 communication with a debtor's employer unless there has
19 been a default of the payment of the obligation for at
20 least 30 days and at least 5 days prior written notice, to
21 the last known address of the debtor, of the intention to
22 communicate with the employer has been given to the
23 employee, except as expressly permitted by law or court
24 order.

25 (19) Communicating with the debtor or any member of
26 the debtor's family at such a time of day or night and with

1 such frequency as to constitute harassment of the debtor or
2 any member of the debtor's family. For purposes of this
3 Section the following conduct shall constitute harassment:

4 (A) Communicating with the debtor or any member of
5 his or her family in connection with the collection of
6 any debt without the prior consent of the debtor given
7 directly to the debt collector, or the express
8 permission of a court of competent jurisdiction, at any
9 unusual time or place or a time or place known or which
10 should be known to be inconvenient to the debtor. In
11 the absence of knowledge of circumstances to the
12 contrary, a debt collector shall assume that the
13 convenient time for communicating with a consumer is
14 after 8 o'clock a.m. and before 9 o'clock p.m. local
15 time at the debtor's location.

16 (B) The threat of publication or publication of a
17 list of consumers who allegedly refuse to pay debts,
18 except to a consumer reporting agency.

19 (C) The threat of advertisement or advertisement
20 for sale of any debt to coerce payment of the debt.

21 (D) Causing a telephone to ring or engaging any
22 person in telephone conversation repeatedly or
23 continuously with intent to annoy, abuse, or harass any
24 person at the called number.

25 (20) Using profane, obscene or abusive language in
26 communicating with a debtor, his or her family or others.

1 (21) Disclosing or threatening to disclose information
2 relating to a debtor's debt to any other person except
3 where such other person has a legitimate business need for
4 the information or except where such disclosure is
5 permitted by law.

6 (22) Disclosing or threatening to disclose information
7 concerning the existence of a debt which the collection
8 agency knows to be disputed by the debtor without
9 disclosing the fact that the debtor disputes the debt.

10 (23) Engaging in any conduct that is intended to cause
11 and did cause mental or physical illness to the debtor or
12 his or her family.

13 (24) Attempting or threatening to enforce a right or
14 remedy with knowledge or reason to know that the right or
15 remedy does not exist.

16 (25) Failing to disclose to the debtor or his or her
17 family the corporate, partnership or proprietary name, or
18 other trade or business name, under which the collection
19 agency is engaging in debt collections and which he or she
20 is legally authorized to use.

21 (26) Using any form of communication which simulates
22 legal or judicial process or which gives the appearance of
23 being authorized, issued or approved by a governmental
24 agency or official or by an attorney at law when it is not.

25 (27) Using any badge, uniform, or other indicia of any
26 governmental agency or official except as authorized by

1 law.

2 (28) Conducting business under any name or in any
3 manner which suggests or implies that the collection agency
4 is a branch of or is affiliated in any way with a
5 governmental agency or court if such collection agency is
6 not.

7 (29) Failing to disclose, at the time of making any
8 demand for payment, the name of the person to whom the debt
9 is owed and at the request of the debtor, the address where
10 payment is to be made and the address of the person to whom
11 the debt is owed.

12 (30) Misrepresenting the amount of the debt alleged to
13 be owed.

14 (31) Representing that an existing debt may be
15 increased by the addition of attorney's fees,
16 investigation fees or any other fees or charges when such
17 fees or charges may not legally be added to the existing
18 debt.

19 (32) Representing that the collection agency is an
20 attorney at law or an agent for an attorney if he or she is
21 not.

22 (33) Collecting or attempting to collect any interest
23 or other charge or fee in excess of the actual debt unless
24 such interest or other charge or fee is expressly
25 authorized by the agreement creating the debt unless
26 expressly authorized by law or unless in a commercial

1 transaction such interest or other charge or fee is
2 expressly authorized in a subsequent agreement. If a
3 contingency or hourly fee arrangement (i) is established
4 under an agreement between a collection agency and a
5 creditor to collect a debt and (ii) is paid by a debtor
6 pursuant to a contract between the debtor and the creditor,
7 then that fee arrangement does not violate this Section
8 unless the fee is unreasonable. The Department shall
9 determine what constitutes a reasonable collection fee.

10 (34) Communicating or threatening to communicate with
11 a debtor when the collection agency is informed in writing
12 by an attorney that the attorney represents the debtor
13 concerning the debt. If the attorney fails to respond
14 within a reasonable period of time, the collector may
15 communicate with the debtor. The collector may communicate
16 with the debtor when the attorney gives his or her consent.

17 (35) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public.

20 (b) ~~The Department shall deny any license or renewal~~
21 ~~authorized by this Act to any person who has defaulted on an~~
22 ~~educational loan guaranteed by the Illinois State Scholarship~~
23 ~~Commission; however, the Department may issue a license or~~
24 ~~renewal if the person in default has established a satisfactory~~
25 ~~repayment record as determined by the Illinois State~~
26 ~~Scholarship Commission.~~ No collection agency while collecting

1 or attempting to collect a debt shall engage in any of the Acts
2 specified in this Section, each of which shall be unlawful
3 practice.

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

5 Section 145. The Community Association Manager Licensing
6 and Disciplinary Act is amended by changing Section 85 as
7 follows:

8 (225 ILCS 427/85)

9 (Section scheduled to be repealed on January 1, 2020)

10 Sec. 85. Grounds for discipline; refusal, revocation, or
11 suspension.

12 (a) The Department may refuse to issue or renew a license,
13 or may place on probation, reprimand, suspend, or revoke any
14 license, or take any other disciplinary or non-disciplinary
15 action as the Department may deem proper and impose a fine not
16 to exceed \$10,000 for each violation upon any licensee or
17 applicant under this Act or any person or entity who holds
18 himself, herself, or itself out as an applicant or licensee for
19 any one or combination of the following causes:

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

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

23 (3) Conviction of or entry of a plea of guilty or plea
24 of nolo contendere to a felony or a misdemeanor under the

1 laws of the United States, any state, or any other
2 jurisdiction or entry of an administrative sanction by a
3 government agency in this State or any other jurisdiction.
4 Action taken under this paragraph (3) for a misdemeanor or
5 an administrative sanction is limited to a misdemeanor or
6 administrative sanction that has as an essential element
7 dishonesty or fraud, that involves larceny, embezzlement,
8 or obtaining money, property, or credit by false pretenses
9 or by means of a confidence game, or that is directly
10 related to the practice of the profession.

11 (4) Making any misrepresentation for the purpose of
12 obtaining a license or violating any provision of this Act
13 or its rules.

14 (5) Professional incompetence.

15 (6) Gross negligence.

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

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

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public as defined by the rules of the
23 Department, or violating the rules of professional conduct
24 adopted by the Department.

25 (10) Habitual or excessive use or addiction to alcohol,
26 narcotics, stimulants, or any other chemical agent or drug

1 that results in the inability to practice with reasonable
2 judgment, skill, or safety.

3 (11) Having been disciplined by another state, the
4 District of Columbia, a territory, a foreign nation, or a
5 governmental agency authorized to impose discipline if at
6 least one of the grounds for the discipline is the same or
7 substantially equivalent of one of the grounds for which a
8 licensee may be disciplined under this Act. A certified
9 copy of the record of the action by the other state or
10 jurisdiction shall be prima facie evidence thereof.

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

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

19 (14) Willfully making or filing false records or
20 reports relating to a licensee's practice, including but
21 not limited to false records filed with any State or
22 federal agencies or departments.

23 (15) Being named as a perpetrator in an indicated
24 report by the Department of Children and Family Services
25 under the Abused and Neglected Child Reporting Act and upon
26 proof by clear and convincing evidence that the licensee

1 has caused a child to be an abused child or neglected child
2 as defined in the Abused and Neglected Child Reporting Act.

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

8 (17) Solicitation of professional services by using
9 false or misleading advertising.

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

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

15 (20) Gross overcharging for professional services
16 including, but not limited to, (i) collection of fees or
17 moneys for services that are not rendered; and (ii)
18 charging for services that are not in accordance with the
19 contract between the licensee and the community
20 association.

21 (21) Improper commingling of personal and client funds
22 in violation of this Act or any rules promulgated thereto.

23 (22) Failing to account for or remit any moneys or
24 documents coming into the licensee's possession that
25 belong to another person or entity.

26 (23) Giving differential treatment to a person that is

1 to that person's detriment because of race, color, creed,
2 sex, religion, or national origin.

3 (24) Performing and charging for services without
4 reasonable authorization to do so from the person or entity
5 for whom service is being provided.

6 (25) Failing to make available to the Department, upon
7 request, any books, records, or forms required by this Act.

8 (26) Purporting to be a supervising community
9 association manager of a firm without active participation
10 in the firm.

11 (27) Failing to make available to the Department at the
12 time of the request any indicia of licensure or
13 registration issued under this Act.

14 (28) Failing to maintain and deposit funds belonging to
15 a community association in accordance with subsection (b)
16 of Section 55 of this Act.

17 (29) Violating the terms of a disciplinary order issued
18 by the Department.

19 (b) (Blank). ~~In accordance with subdivision (a)(5) of~~
20 ~~Section 2105-15 of the Department of Professional Regulation~~
21 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
22 ~~2105/2105-15), the Department shall deny a license or renewal~~
23 ~~authorized by this Act to a person who has defaulted on an~~
24 ~~educational loan or scholarship provided or guaranteed by the~~
25 ~~Illinois Student Assistance Commission or any governmental~~
26 ~~agency of this State.~~

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

11 (d) In accordance with subsection (g) of Section 2105-15 of
12 the Department of Professional Regulation Law of the Civil
13 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
14 Department may refuse to issue or renew or may suspend the
15 license of any person who fails to file a return, to pay the
16 tax, penalty, or interest shown in a filed return, or to pay
17 any final assessment of tax, penalty, or interest, as required
18 by any tax Act administered by the Department of Revenue, until
19 such time as the requirements of that tax Act are satisfied.

20 (e) In accordance with subdivision (a)(5) of Section
21 2105-15 of the Department of Professional Regulation Law of the
22 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
23 and in cases where the Department of Healthcare and Family
24 Services (formerly Department of Public Aid) has previously
25 determined that a licensee or a potential licensee is more than
26 30 days delinquent in the payment of child support and has

1 subsequently certified the delinquency to the Department may
2 refuse to issue or renew or may revoke or suspend that person's
3 license or may take other disciplinary action against that
4 person based solely upon the certification of delinquency made
5 by the Department of Healthcare and Family Services.

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

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

18 In instances in which the Secretary immediately suspends a
19 person's license under this Section, a hearing on that person's
20 license must be convened by the Department within 30 days after
21 the suspension and completed without appreciable delay. The
22 Department and Board shall have the authority to review the
23 subject individual's record of treatment and counseling
24 regarding the impairment to the extent permitted by applicable
25 federal statutes and regulations safeguarding the
26 confidentiality of medical records.

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

6 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
7 98-756, eff. 7-16-14.)

8 Section 150. The Detection of Deception Examiners Act is
9 amended by changing Section 14 as follows:

10 (225 ILCS 430/14) (from Ch. 111, par. 2415)

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

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

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

20 (2) Violations of this Act, or of the rules adopted
21 under this Act.

22 (3) Conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or by
24 sentencing of any crime, including, but not limited to,

1 convictions, preceding sentences of supervision,
2 conditional discharge, or first offender probation, under
3 the laws of any jurisdiction of the United States: (i) that
4 is a felony or (ii) that is a misdemeanor, an essential
5 element of which is dishonesty, or that is directly related
6 to the practice of the profession.

7 (4) Making any misrepresentation for the purpose of
8 obtaining licensure or violating any provision of this Act
9 or the rules adopted under this Act pertaining to
10 advertising.

11 (5) Professional incompetence.

12 (6) Allowing one's license under this Act to be used by
13 an unlicensed person in violation of this Act.

14 (7) Aiding or assisting another person in violating
15 this Act or any rule adopted under this Act.

16 (8) Where the license holder has been adjudged mentally
17 ill, mentally deficient or subject to involuntary
18 admission as provided in the Mental Health and
19 Developmental Disabilities Code.

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

22 (10) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

25 (11) Inability to practice with reasonable judgment,
26 skill, or safety as a result of habitual or excessive use

1 or addiction to alcohol, narcotics, stimulants, or any
2 other chemical agent or drug.

3 (12) Discipline by another state, District of
4 Columbia, territory, or foreign nation, if at least one of
5 the grounds for the discipline is the same or substantially
6 equivalent to those set forth in this Section.

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

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

13 (15) Inability to practice the profession with
14 reasonable judgment, skill, or safety as a result of a
15 physical illness, including, but not limited to,
16 deterioration through the aging process or loss of motor
17 skill, or a mental illness or disability.

18 (16) Charging for professional services not rendered,
19 including filing false statements for the collection of
20 fees for which services are not rendered.

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

23 (18) Fraud or misrepresentation in applying for, or
24 procuring, a license under this Act or in connection with
25 applying for renewal of a license under this Act.

26 (19) Cheating on or attempting to subvert the licensing

1 examination administered under this Act.

2 All fines imposed under this Section shall be paid within
3 60 days after the effective date of the order imposing the
4 fine.

5 (b) The Department may refuse to issue or may suspend
6 without hearing, as provided for in the Code of Civil
7 Procedure, the license of any person who fails to file a
8 return, or pay the tax, penalty, or interest shown in a filed
9 return, or pay any final assessment of the tax, penalty, or
10 interest as required by any tax Act administered by the
11 Illinois Department of Revenue, until such time as the
12 requirements of any such tax Act are satisfied in accordance
13 with subsection (g) of Section 2105-15 of the Civil
14 Administrative Code of Illinois.

15 (c) (Blank). ~~The Department shall deny a license or renewal~~
16 ~~authorized by this Act to a person who has defaulted on an~~
17 ~~educational loan or scholarship provided or guaranteed by the~~
18 ~~Illinois Student Assistance Commission or any governmental~~
19 ~~agency of this State in accordance with item (5) of subsection~~
20 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
21 ~~Illinois.~~

22 (d) In cases where the Department of Healthcare and Family
23 Services has previously determined a licensee or a potential
24 licensee is more than 30 days delinquent in the payment of
25 child support and has subsequently certified the delinquency to
26 the Department, the Department may refuse to issue or renew or

1 may revoke or suspend that person's license or may take other
2 disciplinary action against that person based solely upon the
3 certification of delinquency made by the Department of
4 Healthcare and Family Services in accordance with item (5) of
5 subsection (a) of Section 2105-15 of the Civil Administrative
6 Code of Illinois.

7 (e) The determination by a circuit court that a licensee is
8 subject to involuntary admission or judicial admission, as
9 provided in the Mental Health and Developmental Disabilities
10 Code, operates as an automatic suspension. The suspension will
11 end only upon a finding by a court that the patient is no
12 longer subject to involuntary admission or judicial admission
13 and the issuance of an order so finding and discharging the
14 patient.

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

1 examined may have, at his or her own expense, another physician
2 of his or her choice present during all aspects of this
3 examination. The examination shall be performed by a physician
4 licensed to practice medicine in all its branches. Failure of
5 an individual to submit to a mental or physical examination,
6 when directed, shall result in an automatic suspension without
7 hearing.

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

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

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

15 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;
16 98-756, eff. 7-16-14.)

17 Section 155. The Home Inspector License Act is amended by
18 changing Section 15-10 as follows:

19 (225 ILCS 441/15-10)

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

21 Sec. 15-10. Grounds for disciplinary action.

22 (a) The Department may refuse to issue or renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action as the Department may

1 deem appropriate, including imposing fines not to exceed
2 \$25,000 for each violation, with regard to any license for any
3 one or combination of the following:

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

7 (2) Failing to meet the minimum qualifications for
8 licensure as a home inspector established by this Act.

9 (3) Paying money, other than for the fees provided for
10 by this Act, or anything of value to an employee of the
11 Department to procure licensure under this Act.

12 (4) Conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or by
14 sentencing of any crime, including, but not limited to,
15 convictions, preceding sentences of supervision,
16 conditional discharge, or first offender probation, under
17 the laws of any jurisdiction of the United States: (i) that
18 is a felony; (ii) that is a misdemeanor, an essential
19 element of which is dishonesty, or that is directly related
20 to the practice of the profession; or (iii) that is a crime
21 that subjects the licensee to compliance with the
22 requirements of the Sex Offender Registration Act.

23 (5) Committing an act or omission involving
24 dishonesty, fraud, or misrepresentation with the intent to
25 substantially benefit the licensee or another person or
26 with the intent to substantially injure another person.

1 (6) Violating a provision or standard for the
2 development or communication of home inspections as
3 provided in Section 10-5 of this Act or as defined in the
4 rules.

5 (7) Failing or refusing to exercise reasonable
6 diligence in the development, reporting, or communication
7 of a home inspection report, as defined by this Act or the
8 rules.

9 (8) Violating a provision of this Act or the rules.

10 (9) Having been disciplined by another state, the
11 District of Columbia, a territory, a foreign nation, a
12 governmental agency, or any other entity authorized to
13 impose discipline if at least one of the grounds for that
14 discipline is the same as or substantially equivalent to
15 one of the grounds for which a licensee may be disciplined
16 under this Act.

17 (10) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public.

20 (11) Accepting an inspection assignment when the
21 employment itself is contingent upon the home inspector
22 reporting a predetermined analysis or opinion, or when the
23 fee to be paid is contingent upon the analysis, opinion, or
24 conclusion reached or upon the consequences resulting from
25 the home inspection assignment.

26 (12) Developing home inspection opinions or

1 conclusions based on the race, color, religion, sex,
2 national origin, ancestry, age, marital status, family
3 status, physical or mental disability, or unfavorable
4 military discharge, as defined under the Illinois Human
5 Rights Act, of the prospective or present owners or
6 occupants of the area or property under home inspection.

7 (13) Being adjudicated liable in a civil proceeding on
8 grounds of fraud, misrepresentation, or deceit. In a
9 disciplinary proceeding based upon a finding of civil
10 liability, the home inspector shall be afforded an
11 opportunity to present mitigating and extenuating
12 circumstances, but may not collaterally attack the civil
13 adjudication.

14 (14) Being adjudicated liable in a civil proceeding for
15 violation of a State or federal fair housing law.

16 (15) Engaging in misleading or untruthful advertising
17 or using a trade name or insignia of membership in a home
18 inspection organization of which the licensee is not a
19 member.

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

22 (17) Failing to include within the home inspection
23 report the home inspector's license number and the date of
24 expiration of the license. All home inspectors providing
25 significant contribution to the development and reporting
26 of a home inspection must be disclosed in the home

1 inspection report. It is a violation of this Act for a home
2 inspector to sign a home inspection report knowing that a
3 person providing a significant contribution to the report
4 has not been disclosed in the home inspection report.

5 (18) Advising a client as to whether the client should
6 or should not engage in a transaction regarding the
7 residential real property that is the subject of the home
8 inspection.

9 (19) Performing a home inspection in a manner that
10 damages or alters the residential real property that is the
11 subject of the home inspection without the consent of the
12 owner.

13 (20) Performing a home inspection when the home
14 inspector is providing or may also provide other services
15 in connection with the residential real property or
16 transaction, or has an interest in the residential real
17 property, without providing prior written notice of the
18 potential or actual conflict and obtaining the prior
19 consent of the client as provided by rule.

20 (21) Aiding or assisting another person in violating
21 any provision of this Act or rules adopted under this Act.

22 (22) Inability to practice with reasonable judgment,
23 skill, or safety as a result of habitual or excessive use
24 or addiction to alcohol, narcotics, stimulants, or any
25 other chemical agent or drug.

26 (23) A finding by the Department that the licensee,

1 after having his or her license placed on probationary
2 status, has violated the terms of probation.

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

6 (25) Charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered.

9 (26) Practicing under a false or, except as provided by
10 law, an assumed name.

11 (27) Cheating on or attempting to subvert the licensing
12 examination administered under this Act.

13 (b) The Department may suspend, revoke, or refuse to issue
14 or renew an education provider's license, may reprimand, place
15 on probation, or otherwise discipline an education provider
16 licensee, and may suspend or revoke the course approval of any
17 course offered by an education provider, for any of the
18 following:

19 (1) Procuring or attempting to procure licensure by
20 knowingly making a false statement, submitting false
21 information, making any form of fraud or
22 misrepresentation, or refusing to provide complete
23 information in response to a question in an application for
24 licensure.

25 (2) Failing to comply with the covenants certified to
26 on the application for licensure as an education provider.

1 (3) Committing an act or omission involving
2 dishonesty, fraud, or misrepresentation or allowing any
3 such act or omission by any employee or contractor under
4 the control of the education provider.

5 (4) Engaging in misleading or untruthful advertising.

6 (5) Failing to retain competent instructors in
7 accordance with rules adopted under this Act.

8 (6) Failing to meet the topic or time requirements for
9 course approval as the provider of a pre-license curriculum
10 course or a continuing education course.

11 (7) Failing to administer an approved course using the
12 course materials, syllabus, and examinations submitted as
13 the basis of the course approval.

14 (8) Failing to provide an appropriate classroom
15 environment for presentation of courses, with
16 consideration for student comfort, acoustics, lighting,
17 seating, workspace, and visual aid material.

18 (9) Failing to maintain student records in compliance
19 with the rules adopted under this Act.

20 (10) Failing to provide a certificate, transcript, or
21 other student record to the Department or to a student as
22 may be required by rule.

23 (11) Failing to fully cooperate with a Department
24 investigation by knowingly making a false statement,
25 submitting false or misleading information, or refusing to
26 provide complete information in response to written

1 interrogatories or a written request for documentation
2 within 30 days of the request.

3 (c) In appropriate cases, the Department may resolve a
4 complaint against a licensee through the issuance of a Consent
5 to Administrative Supervision order. A licensee subject to a
6 Consent to Administrative Supervision order shall be
7 considered by the Department as an active licensee in good
8 standing. This order shall not be reported as or considered by
9 the Department to be a discipline of the licensee. The records
10 regarding an investigation and a Consent to Administrative
11 Supervision order shall be considered confidential and shall
12 not be released by the Department except as mandated by law.
13 The complainant shall be notified that his or her complaint has
14 been resolved by a Consent to Administrative Supervision order.

15 (d) The Department may refuse to issue or may suspend
16 without hearing, as provided for in the Code of Civil
17 Procedure, the license of any person who fails to file a tax
18 return, to pay the tax, penalty, or interest shown in a filed
19 tax return, or to pay any final assessment of tax, penalty, or
20 interest, as required by any tax Act administered by the
21 Illinois Department of Revenue, until such time as the
22 requirements of the tax Act are satisfied in accordance with
23 subsection (g) of Section 2105-15 of the Civil Administrative
24 Code of Illinois.

25 (e) (Blank). ~~The Department shall deny a license or renewal~~
26 ~~authorized by this Act to a person who has defaulted on an~~

1 ~~educational loan or scholarship provided or guaranteed by the~~
2 ~~Illinois Student Assistance Commission or any governmental~~
3 ~~agency of this State in accordance with item (5) of subsection~~
4 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
5 ~~Illinois.~~

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

17 (g) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of a court order so finding and discharging
24 the patient.

25 (h) In enforcing this Act, the Department, upon a showing
26 of a possible violation, may compel an individual licensed to

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

18 A person holding a license under this Act or who has
19 applied for a license under this Act, who, because of a
20 physical or mental illness or disability, including, but not
21 limited to, deterioration through the aging process or loss of
22 motor skill, is unable to practice the profession with
23 reasonable judgment, skill, or safety, may be required by the
24 Department to submit to care, counseling, or treatment by
25 physicians approved or designated by the Department as a
26 condition, term, or restriction for continued, reinstated, or

1 renewed licensure to practice. Submission to care, counseling,
2 or treatment as required by the Department shall not be
3 considered discipline of a license. If the licensee refuses to
4 enter into a care, counseling, or treatment agreement or fails
5 to abide by the terms of the agreement, the Department may file
6 a complaint to revoke, suspend, or otherwise discipline the
7 license of the individual. The Secretary may order the license
8 suspended immediately, pending a hearing by the Department.
9 Fines shall not be assessed in disciplinary actions involving
10 physical or mental illness or impairment.

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

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

25 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
26 98-756, eff. 7-16-14.)

1 (225 ILCS 447/40-35 rep.)

2 Section 160. The Private Detective, Private Alarm, Private
3 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
4 amended by repealing Section 40-35.

5 Section 165. The Illinois Public Accounting Act is amended
6 by changing Section 20.01 as follows:

7 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 20.01. Grounds for discipline; license or
10 registration.

11 (a) The Department may refuse to issue or renew, or may
12 revoke, suspend, or reprimand any registration or registrant,
13 any license or licensee, place a licensee or registrant on
14 probation for a period of time subject to any conditions the
15 Department may specify including requiring the licensee or
16 registrant to attend continuing education courses or to work
17 under the supervision of another licensee or registrant, impose
18 a fine not to exceed \$10,000 for each violation, restrict the
19 authorized scope of practice, require a licensee or registrant
20 to undergo a peer review program, assess costs as provided for
21 under Section 20.4, or take other disciplinary or
22 non-disciplinary action for any one or more of the following:

23 (1) Violation of any provision of this Act or rule

1 adopted by the Department under this Act or violation of
2 professional standards.

3 (2) Dishonesty, fraud, or deceit in obtaining,
4 reinstating, or restoring a license or registration.

5 (3) Cancellation, revocation, suspension, denial of
6 licensure or registration, or refusal to renew a license or
7 privileges under Section 5.2 for disciplinary reasons in
8 any other U.S. jurisdiction, unit of government, or
9 government agency for any cause.

10 (4) Failure, on the part of a licensee under Section 13
11 or registrant under Section 16, to maintain compliance with
12 the requirements for issuance or renewal of a license or
13 registration or to report changes to the Department.

14 (5) Revocation or suspension of the right to practice
15 by or before any state or federal regulatory authority or
16 by the Public Company Accounting Oversight Board.

17 (6) Dishonesty, fraud, deceit, or gross negligence in
18 the performance of services as a licensee or registrant or
19 individual granted privileges under Section 5.2.

20 (7) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or
22 sentencing, including, but not limited to, convictions,
23 preceding sentences of supervision, conditional discharge,
24 or first offender probation, under the laws of any
25 jurisdiction of the United States that is (i) a felony or
26 (ii) a misdemeanor, an essential element of which is

1 dishonesty, or that is directly related to the practice of
2 public accounting.

3 (8) Performance of any fraudulent act while holding a
4 license or privilege issued under this Act or prior law.

5 (9) Practicing on a revoked, suspended, or inactive
6 license or registration.

7 (10) Making or filing a report or record that the
8 registrant or licensee knows to be false, willfully failing
9 to file a report or record required by State or federal
10 law, willfully impeding or obstructing the filing or
11 inducing another person to impede or obstruct only those
12 that are signed in the capacity of a licensed CPA or a
13 registered CPA.

14 (11) Aiding or assisting another person in violating
15 any provision of this Act or rules promulgated hereunder.

16 (12) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public.

19 (13) Habitual or excessive use or abuse of drugs,
20 alcohol, narcotics, stimulants, or any other substance
21 that results in the inability to practice with reasonable
22 skill, judgment, or safety.

23 (14) Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership, or association
25 any fee, commission, rebate, or other form of compensation
26 for any professional service not actually rendered.

1 (15) Physical illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill that results in the licensee or registrant's
4 inability to practice under this Act with reasonable
5 judgment, skill, or safety.

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

8 (17) Any conduct reflecting adversely upon the
9 licensee's fitness to perform services while a licensee or
10 individual granted privileges under Section 5.2.

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

14 (19) A finding by the Department that a licensee or
15 registrant has not complied with a provision of any lawful
16 order issued by the Department.

17 (20) Making a false statement to the Department
18 regarding compliance with continuing professional
19 education or peer review requirements.

20 (21) Failing to make a substantive response to a
21 request for information by the Department within 30 days of
22 the request.

23 (b) (Blank).

24 (b-5) All fines or costs imposed under this Section shall
25 be paid within 60 days after the effective date of the order
26 imposing the fine or costs or in accordance with the terms set

1 forth in the order imposing the fine or cost.

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

14 (d) The Department may refuse to issue or may suspend
15 without hearing, as provided for in the Code of Civil
16 Procedure, the license or registration of any person who fails
17 to file a return, to pay a tax, penalty, or interest shown in a
18 filed return, or to pay any final assessment of tax, penalty,
19 or interest, as required by any tax Act administered by the
20 Illinois Department of Revenue, until such time as the
21 requirements of any such tax Act are satisfied in accordance
22 with subsection (g) of Section 2105-15 of the Department of
23 Professional Regulation Law of the Civil Administrative Code of
24 Illinois.

25 (e) (Blank). ~~The Department shall deny any application for~~
26 ~~a license, registration, or renewal, without hearing, to any~~

1 ~~person who has defaulted on an educational loan guaranteed by~~
2 ~~the Illinois Student Assistance Commission; however, the~~
3 ~~Department may issue a license, registration, or renewal if the~~
4 ~~person in default has established a satisfactory repayment~~
5 ~~record as determined by the Illinois Student Assistance~~
6 ~~Commission.~~

7 (f) The determination by a court that a licensee or
8 registrant is subject to involuntary admission or judicial
9 admission as provided in the Mental Health and Developmental
10 Disabilities Code will result in the automatic suspension of
11 his or her license or registration. The licensee or registrant
12 shall be responsible for notifying the Department of the
13 determination by the court that the licensee or registrant is
14 subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code. The suspension shall end only upon a finding by a court
17 that the patient is no longer subject to involuntary admission
18 or judicial admission, the issuance of an order so finding and
19 discharging the patient, and the filing of a petition for
20 restoration demonstrating fitness to practice.

21 (g) In enforcing this Section, the Department, upon a
22 showing of a possible violation, may compel, any licensee or
23 registrant or any individual who has applied for licensure
24 under this Act, to submit to a mental or physical examination
25 and evaluation, or both, which may include a substance abuse or
26 sexual offender evaluation, at the expense of the Department.

1 The Department shall specifically designate the examining
2 physician licensed to practice medicine in all of its branches
3 or, if applicable, the multidisciplinary team involved in
4 providing the mental or physical examination and evaluation, or
5 both. The multidisciplinary team shall be led by a physician
6 licensed to practice medicine in all of its branches and may
7 consist of one or more or a combination of physicians licensed
8 to practice medicine in all of its branches, licensed
9 chiropractic physicians, licensed clinical psychologists,
10 licensed clinical social workers, licensed clinical
11 professional counselors, and other professional and
12 administrative staff. Any examining physician or member of the
13 multidisciplinary team may require any person ordered to submit
14 to an examination and evaluation under this Section to submit
15 to any additional supplemental testing deemed necessary to
16 complete any examination or evaluation process, including, but
17 not limited to, blood testing, urinalysis, psychological
18 testing, or neuropsychological testing. The Department may
19 order the examining physician or any member of the
20 multidisciplinary team to provide to the Department any and all
21 records, including business records, that relate to the
22 examination and evaluation, including any supplemental testing
23 performed. The Department may order the examining physician or
24 any member of the multidisciplinary team to present testimony
25 concerning this examination and evaluation of the licensee,
26 registrant, or applicant, including testimony concerning any

1 supplemental testing or documents relating to the examination
2 and evaluation. No information, report, record, or other
3 documents in any way related to the examination and evaluation
4 shall be excluded by reason of any common law or statutory
5 privilege relating to communication between the licensee,
6 registrant, or applicant and the examining physician or any
7 member of the multidisciplinary team. No authorization is
8 necessary from the individual ordered to undergo an evaluation
9 and examination for the examining physician or any member of
10 the multidisciplinary team to provide information, reports,
11 records, or other documents or to provide any testimony
12 regarding the examination and evaluation.

13 The individual to be examined may have, at his or her own
14 expense, another physician of his or her choice present during
15 all aspects of the examination. Failure of any individual to
16 submit to mental or physical examination and evaluation, or
17 both, when directed, shall result in an automatic suspension,
18 without hearing, until such time as the individual submits to
19 the examination. If the Department finds a licensee,
20 registrant, or applicant unable to practice because of the
21 reasons set forth in this Section, the Department shall require
22 such licensee, registrant, or applicant to submit to care,
23 counseling, or treatment by physicians approved or designated
24 by the Department, as a condition for continued, reinstated, or
25 renewed licensure to practice.

26 When the Secretary immediately suspends a license or

1 registration under this Section, a hearing upon such person's
2 license or registration must be convened by the Department
3 within 15 days after such suspension and completed without
4 appreciable delay. The Department shall have the authority to
5 review the subject's record of treatment and counseling
6 regarding the impairment, to the extent permitted by applicable
7 federal statutes and regulations safeguarding the
8 confidentiality of medical records.

9 Individuals licensed or registered under this Act,
10 affected under this Section, shall be afforded an opportunity
11 to demonstrate to the Department that they can resume practice
12 in compliance with acceptable and prevailing standards under
13 the provisions of their license or registration.

14 (Source: P.A. 98-254, eff. 8-9-13.)

15 Section 170. The Real Estate License Act of 2000 is amended
16 by changing Section 20-20 as follows:

17 (225 ILCS 454/20-20)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 20-20. Grounds for discipline.

20 (a) The Department may refuse to issue or renew a license,
21 may place on probation, suspend, or revoke any license,
22 reprimand, or take any other disciplinary or non-disciplinary
23 action as the Department may deem proper and impose a fine not
24 to exceed \$25,000 upon any licensee or applicant under this Act

1 or any person who holds himself or herself out as an applicant
2 or licensee or against a licensee in handling his or her own
3 property, whether held by deed, option, or otherwise, for any
4 one or any combination of the following causes:

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

8 (2) The conviction of or plea of guilty or plea of nolo
9 contendere to a felony or misdemeanor in this State or any
10 other jurisdiction; or the entry of an administrative
11 sanction by a government agency in this State or any other
12 jurisdiction. Action taken under this paragraph (2) for a
13 misdemeanor or an administrative sanction is limited to a
14 misdemeanor or administrative sanction that has as an
15 essential element dishonesty or fraud or involves larceny,
16 embezzlement, or obtaining money, property, or credit by
17 false pretenses or by means of a confidence game.

18 (3) Inability to practice the profession with
19 reasonable judgment, skill, or safety as a result of a
20 physical illness, including, but not limited to,
21 deterioration through the aging process or loss of motor
22 skill, or a mental illness or disability.

23 (4) Practice under this Act as a licensee in a retail
24 sales establishment from an office, desk, or space that is
25 not separated from the main retail business by a separate
26 and distinct area within the establishment.

1 (5) Having been disciplined by another state, the
2 District of Columbia, a territory, a foreign nation, or a
3 governmental agency authorized to impose discipline if at
4 least one of the grounds for that discipline is the same as
5 or the equivalent of one of the grounds for which a
6 licensee may be disciplined under this Act. A certified
7 copy of the record of the action by the other state or
8 jurisdiction shall be prima facie evidence thereof.

9 (6) Engaging in the practice of real estate brokerage
10 without a license or after the licensee's license or
11 temporary permit was expired or while the license was
12 inoperative.

13 (7) Cheating on or attempting to subvert the Real
14 Estate License Exam or continuing education exam.

15 (8) Aiding or abetting an applicant to subvert or cheat
16 on the Real Estate License Exam or continuing education
17 exam administered pursuant to this Act.

18 (9) Advertising that is inaccurate, misleading, or
19 contrary to the provisions of the Act.

20 (10) Making any substantial misrepresentation or
21 untruthful advertising.

22 (11) Making any false promises of a character likely to
23 influence, persuade, or induce.

24 (12) Pursuing a continued and flagrant course of
25 misrepresentation or the making of false promises through
26 licensees, employees, agents, advertising, or otherwise.

1 (13) Any misleading or untruthful advertising, or
2 using any trade name or insignia of membership in any real
3 estate organization of which the licensee is not a member.

4 (14) Acting for more than one party in a transaction
5 without providing written notice to all parties for whom
6 the licensee acts.

7 (15) Representing or attempting to represent a broker
8 other than the sponsoring broker.

9 (16) Failure to account for or to remit any moneys or
10 documents coming into his or her possession that belong to
11 others.

12 (17) Failure to maintain and deposit in a special
13 account, separate and apart from personal and other
14 business accounts, all escrow moneys belonging to others
15 entrusted to a licensee while acting as a broker, escrow
16 agent, or temporary custodian of the funds of others or
17 failure to maintain all escrow moneys on deposit in the
18 account until the transactions are consummated or
19 terminated, except to the extent that the moneys, or any
20 part thereof, shall be:

21 (A) disbursed prior to the consummation or
22 termination (i) in accordance with the written
23 direction of the principals to the transaction or their
24 duly authorized agents, (ii) in accordance with
25 directions providing for the release, payment, or
26 distribution of escrow moneys contained in any written

1 contract signed by the principals to the transaction or
2 their duly authorized agents, or (iii) pursuant to an
3 order of a court of competent jurisdiction; or

4 (B) deemed abandoned and transferred to the Office
5 of the State Treasurer to be handled as unclaimed
6 property pursuant to the Revised Uniform Unclaimed
7 Property Act. Escrow moneys may be deemed abandoned
8 under this subparagraph (B) only: (i) in the absence of
9 disbursement under subparagraph (A); (ii) in the
10 absence of notice of the filing of any claim in a court
11 of competent jurisdiction; and (iii) if 6 months have
12 elapsed after the receipt of a written demand for the
13 escrow moneys from one of the principals to the
14 transaction or the principal's duly authorized agent.

15 The account shall be noninterest bearing, unless the
16 character of the deposit is such that payment of interest
17 thereon is otherwise required by law or unless the
18 principals to the transaction specifically require, in
19 writing, that the deposit be placed in an interest bearing
20 account.

21 (18) Failure to make available to the Department all
22 escrow records and related documents maintained in
23 connection with the practice of real estate within 24 hours
24 of a request for those documents by Department personnel.

25 (19) Failing to furnish copies upon request of
26 documents relating to a real estate transaction to a party

1 who has executed that document.

2 (20) Failure of a sponsoring broker to timely provide
3 information, sponsor cards, or termination of licenses to
4 the Department.

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

8 (22) Commingling the money or property of others with
9 his or her own money or property.

10 (23) Employing any person on a purely temporary or
11 single deal basis as a means of evading the law regarding
12 payment of commission to nonlicensees on some contemplated
13 transactions.

14 (24) Permitting the use of his or her license as a
15 broker to enable a leasing agent or unlicensed person to
16 operate a real estate business without actual
17 participation therein and control thereof by the broker.

18 (25) Any other conduct, whether of the same or a
19 different character from that specified in this Section,
20 that constitutes dishonest dealing.

21 (26) Displaying a "for rent" or "for sale" sign on any
22 property without the written consent of an owner or his or
23 her duly authorized agent or advertising by any means that
24 any property is for sale or for rent without the written
25 consent of the owner or his or her authorized agent.

26 (27) Failing to provide information requested by the

1 Department, or otherwise respond to that request, within 30
2 days of the request.

3 (28) Advertising by means of a blind advertisement,
4 except as otherwise permitted in Section 10-30 of this Act.

5 (29) Offering guaranteed sales plans, as defined in
6 clause (A) of this subdivision (29), except to the extent
7 hereinafter set forth:

8 (A) A "guaranteed sales plan" is any real estate
9 purchase or sales plan whereby a licensee enters into a
10 conditional or unconditional written contract with a
11 seller, prior to entering into a brokerage agreement
12 with the seller, by the terms of which a licensee
13 agrees to purchase a property of the seller within a
14 specified period of time at a specific price in the
15 event the property is not sold in accordance with the
16 terms of a brokerage agreement to be entered into
17 between the sponsoring broker and the seller.

18 (B) A licensee offering a guaranteed sales plan
19 shall provide the details and conditions of the plan in
20 writing to the party to whom the plan is offered.

21 (C) A licensee offering a guaranteed sales plan
22 shall provide to the party to whom the plan is offered
23 evidence of sufficient financial resources to satisfy
24 the commitment to purchase undertaken by the broker in
25 the plan.

26 (D) Any licensee offering a guaranteed sales plan

1 shall undertake to market the property of the seller
2 subject to the plan in the same manner in which the
3 broker would market any other property, unless the
4 agreement with the seller provides otherwise.

5 (E) The licensee cannot purchase seller's property
6 until the brokerage agreement has ended according to
7 its terms or is otherwise terminated.

8 (F) Any licensee who fails to perform on a
9 guaranteed sales plan in strict accordance with its
10 terms shall be subject to all the penalties provided in
11 this Act for violations thereof and, in addition, shall
12 be subject to a civil fine payable to the party injured
13 by the default in an amount of up to \$25,000.

14 (30) Influencing or attempting to influence, by any
15 words or acts, a prospective seller, purchaser, occupant,
16 landlord, or tenant of real estate, in connection with
17 viewing, buying, or leasing real estate, so as to promote
18 or tend to promote the continuance or maintenance of
19 racially and religiously segregated housing or so as to
20 retard, obstruct, or discourage racially integrated
21 housing on or in any street, block, neighborhood, or
22 community.

23 (31) Engaging in any act that constitutes a violation
24 of any provision of Article 3 of the Illinois Human Rights
25 Act, whether or not a complaint has been filed with or
26 adjudicated by the Human Rights Commission.

1 (32) Inducing any party to a contract of sale or lease
2 or brokerage agreement to break the contract of sale or
3 lease or brokerage agreement for the purpose of
4 substituting, in lieu thereof, a new contract for sale or
5 lease or brokerage agreement with a third party.

6 (33) Negotiating a sale, exchange, or lease of real
7 estate directly with any person if the licensee knows that
8 the person has an exclusive brokerage agreement with
9 another broker, unless specifically authorized by that
10 broker.

11 (34) When a licensee is also an attorney, acting as the
12 attorney for either the buyer or the seller in the same
13 transaction in which the licensee is acting or has acted as
14 a managing broker or broker.

15 (35) Advertising or offering merchandise or services
16 as free if any conditions or obligations necessary for
17 receiving the merchandise or services are not disclosed in
18 the same advertisement or offer. These conditions or
19 obligations include without limitation the requirement
20 that the recipient attend a promotional activity or visit a
21 real estate site. As used in this subdivision (35), "free"
22 includes terms such as "award", "prize", "no charge", "free
23 of charge", "without charge", and similar words or phrases
24 that reasonably lead a person to believe that he or she may
25 receive or has been selected to receive something of value,
26 without any conditions or obligations on the part of the

1 recipient.

2 (36) (Blank).

3 (37) Violating the terms of a disciplinary order issued
4 by the Department.

5 (38) Paying or failing to disclose compensation in
6 violation of Article 10 of this Act.

7 (39) Requiring a party to a transaction who is not a
8 client of the licensee to allow the licensee to retain a
9 portion of the escrow moneys for payment of the licensee's
10 commission or expenses as a condition for release of the
11 escrow moneys to that party.

12 (40) Disregarding or violating any provision of this
13 Act or the published rules promulgated by the Department to
14 enforce this Act or aiding or abetting any individual,
15 partnership, registered limited liability partnership,
16 limited liability company, or corporation in disregarding
17 any provision of this Act or the published rules
18 promulgated by the Department to enforce this Act.

19 (41) Failing to provide the minimum services required
20 by Section 15-75 of this Act when acting under an exclusive
21 brokerage agreement.

22 (42) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 that results in a managing broker, broker, or leasing
25 agent's inability to practice with reasonable skill or
26 safety.

1 (43) Enabling, aiding, or abetting an auctioneer, as
2 defined in the Auction License Act, to conduct a real
3 estate auction in a manner that is in violation of this
4 Act.

5 (44) Permitting any leasing agent or temporary leasing
6 agent permit holder to engage in activities that require a
7 broker's or managing broker's license.

8 (b) The Department may refuse to issue or renew or may
9 suspend the license of any person who fails to file a return,
10 pay the tax, penalty or interest shown in a filed return, or
11 pay any final assessment of tax, penalty, or interest, as
12 required by any tax Act administered by the Department of
13 Revenue, until such time as the requirements of that tax Act
14 are satisfied in accordance with subsection (g) of Section
15 2105-15 of the Civil Administrative Code of Illinois.

16 (c) (Blank). ~~The Department shall deny a license or renewal~~
17 ~~authorized by this Act to a person who has defaulted on an~~
18 ~~educational loan or scholarship provided or guaranteed by the~~
19 ~~Illinois Student Assistance Commission or any governmental~~
20 ~~agency of this State in accordance with item (5) of subsection~~
21 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
22 ~~Illinois.~~

23 (d) In cases where the Department of Healthcare and Family
24 Services (formerly Department of Public Aid) has previously
25 determined that a licensee or a potential licensee is more than
26 30 days delinquent in the payment of child support and has

1 subsequently certified the delinquency to the Department may
2 refuse to issue or renew or may revoke or suspend that person's
3 license or may take other disciplinary action against that
4 person based solely upon the certification of delinquency made
5 by the Department of Healthcare and Family Services in
6 accordance with item (5) of subsection (a) of Section 2105-15
7 of the Civil Administrative Code of Illinois.

8 (e) In enforcing this Section, the Department or Board upon
9 a showing of a possible violation may compel an individual
10 licensed to practice under this Act, or who has applied for
11 licensure under this Act, to submit to a mental or physical
12 examination, or both, as required by and at the expense of the
13 Department. The Department or Board may order the examining
14 physician to present testimony concerning the mental or
15 physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 examining physicians shall be specifically designated by the
20 Board or Department. The individual to be examined may have, at
21 his or her own expense, another physician of his or her choice
22 present during all aspects of this examination. Failure of an
23 individual to submit to a mental or physical examination, when
24 directed, shall be grounds for suspension of his or her license
25 until the individual submits to the examination if the
26 Department finds, after notice and hearing, that the refusal to

1 submit to the examination was without reasonable cause.

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

19 In instances in which the Secretary immediately suspends a
20 person's license under this Section, a hearing on that person's
21 license must be convened by the Department within 30 days after
22 the suspension and completed without appreciable delay. The
23 Department and Board shall have the authority to review the
24 subject individual's record of treatment and counseling
25 regarding the impairment to the extent permitted by applicable
26 federal statutes and regulations safeguarding the

1 confidentiality of medical records.

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

7 (Source: P.A. 99-227, eff. 8-3-15; 100-22, eff. 1-1-18;
8 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; revised 10-2-17.)

9 (225 ILCS 458/15-45 rep.)

10 Section 175. The Real Estate Appraiser Licensing Act of
11 2002 is amended by repealing Section 15-45.

12 Section 180. The Radon Industry Licensing Act is amended by
13 changing Section 45 as follows:

14 (420 ILCS 44/45)

15 Sec. 45. Grounds for disciplinary action. The Agency may
16 refuse to issue or to renew, or may revoke, suspend, or take
17 other disciplinary action as the Agency may deem proper,
18 including fines not to exceed \$1,000 for each violation, with
19 regard to any license for any one or combination of the
20 following causes:

21 (a) Violation of this Act or its rules.

22 (b) Conviction of a crime under the laws of any United
23 States jurisdiction that is a felony or of any crime that

1 directly relates to the practice of detecting or reducing
2 the presence of radon or radon progeny. Consideration of
3 such conviction of an applicant shall be in accordance with
4 Section 46.

5 (c) Making a misrepresentation for the purpose of
6 obtaining a license.

7 (d) Professional incompetence or gross negligence in
8 the practice of detecting or reducing the presence of radon
9 or radon progeny.

10 (e) Gross malpractice, prima facie evidence of which
11 may be a conviction or judgment of malpractice in a court
12 of competent jurisdiction.

13 (f) Aiding or assisting another person in violating a
14 provision of this Act or its rules.

15 (g) Failing, within 60 days, to provide information in
16 response to a written request made by the Agency that has
17 been sent by mail to the licensee's last known address.

18 (h) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (i) Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 that results in the inability to practice with reasonable
24 judgment, skill, or safety.

25 (j) Discipline by another United States jurisdiction
26 or foreign nation, if at least one of the grounds for the

1 discipline is the same or substantially equivalent to those
2 set forth in this Section.

3 (k) Directly or indirectly giving to or receiving from
4 a person any fee, commission, rebate, or other form of
5 compensation for a professional service not actually or
6 personally rendered.

7 (l) A finding by the Agency that the licensee has
8 violated the terms of a license.

9 (m) Conviction by a court of competent jurisdiction,
10 either within or outside of this State, of a violation of a
11 law governing the practice of detecting or reducing the
12 presence of radon or radon progeny if the Agency determines
13 after investigation that the person has not been
14 sufficiently rehabilitated to warrant the public trust.

15 (n) A finding by the Agency that a license has been
16 applied for or obtained by fraudulent means.

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

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

23 (q) Failure to file a return or to pay the tax,
24 penalty, or interest shown in a filed return, or to pay any
25 final assessment of tax, penalty, or interest, as required
26 by a tax Act administered by the Department of Revenue,

1 until such time as the requirements of any such tax Act are
2 satisfied.

3 (r) (Blank). ~~Failure to repay educational loans~~
4 ~~guaranteed by the Illinois Student Assistance Commission,~~
5 ~~as provided in Section 80 of the Nuclear Safety Law of~~
6 ~~2004. However, the Agency may issue an original or renewal~~
7 ~~license if the person in default has established a~~
8 ~~satisfactory repayment record as determined by the~~
9 ~~Illinois Student Assistance Commission.~~

10 (s) Failure to meet child support orders, as provided
11 in Section 10-65 of the Illinois Administrative Procedure
12 Act.

13 (t) Failure to pay a fee or civil penalty properly
14 assessed by the Agency.

15 (Source: P.A. 100-286, eff. 1-1-18.)

16 Section 185. The Attorney Act is amended by changing
17 Section 1 as follows:

18 (705 ILCS 205/1) (from Ch. 13, par. 1)

19 Sec. 1. No person shall be permitted to practice as an
20 attorney or counselor at law within this State without having
21 previously obtained a license for that purpose from the Supreme
22 Court of this State.

23 No person shall receive any compensation directly or
24 indirectly for any legal services other than a regularly

1 licensed attorney, nor may an unlicensed person advertise or
2 hold himself or herself out to provide legal services.

3 A license, as provided for herein, constitutes the person
4 receiving the same an attorney and counselor at law, according
5 to the law and customs thereof, for and during his good
6 behavior in the practice and authorizes him to demand and
7 receive fees for any services which he may render as an
8 attorney and counselor at law in this State. ~~No person shall be
9 granted a license or renewal authorized by this Act who has
10 defaulted on an educational loan guaranteed by the Illinois
11 Student Assistance Commission; however, a license or renewal
12 may be issued to the aforementioned persons who have
13 established a satisfactory repayment record as determined by
14 the Illinois Student Assistance Commission.~~ No person shall be
15 granted a license or renewal authorized by this Act who is more
16 than 30 days delinquent in complying with a child support
17 order; a license or renewal may be issued, however, if the
18 person has established a satisfactory repayment record as
19 determined (i) by the Department of Healthcare and Family
20 Services (formerly Illinois Department of Public Aid) for cases
21 being enforced under Article X of the Illinois Public Aid Code
22 or (ii) in all other cases by order of court or by written
23 agreement between the custodial parent and non-custodial
24 parent. No person shall be refused a license under this Act on
25 account of sex.

26 Any person practicing, charging or receiving fees for legal

1 services or advertising or holding himself or herself out to
2 provide legal services within this State, either directly or
3 indirectly, without being licensed to practice as herein
4 required, is guilty of contempt of court and shall be punished
5 accordingly, upon complaint being filed in any Circuit Court of
6 this State. The remedies available include, but are not limited
7 to: (i) appropriate equitable relief; (ii) a civil penalty not
8 to exceed \$5,000, which shall be paid to the Illinois Equal
9 Justice Foundation; and (iii) actual damages. Such proceedings
10 shall be conducted in the Courts of the respective counties
11 where the alleged contempt has been committed in the same
12 manner as in cases of indirect contempt and with the right of
13 review by the parties thereto.

14 The provisions of this Act shall be in addition to other
15 remedies permitted by law and shall not be construed to deprive
16 courts of this State of their inherent right to punish for
17 contempt or to restrain the unauthorized practice of law.

18 Nothing in this Act shall be construed to conflict with,
19 amend, or modify Section 5 of the Corporation Practice of Law
20 Prohibition Act or prohibit representation of a party by a
21 person who is not an attorney in a proceeding before either
22 panel of the Illinois Labor Relations Board under the Illinois
23 Public Labor Relations Act, as now or hereafter amended, the
24 Illinois Educational Labor Relations Board under the Illinois
25 Educational Labor Relations Act, as now or hereafter amended,
26 the State Civil Service Commission, the local Civil Service

1 Commissions, or the University Civil Service Merit Board, to
2 the extent allowed pursuant to rules and regulations
3 promulgated by those Boards and Commissions or the giving of
4 information, training, or advocacy or assistance in any
5 meetings or administrative proceedings held pursuant to the
6 federal Individuals with Disabilities Education Act, the
7 federal Rehabilitation Act of 1973, the federal Americans with
8 Disabilities Act of 1990, or the federal Social Security Act,
9 to the extent allowed by those laws or the federal regulations
10 or State statutes implementing those laws.

11 (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;
12 95-410, eff. 8-24-07.)

13 Section 190. The Illinois Securities Law of 1953 is amended
14 by changing Section 8 as follows:

15 (815 ILCS 5/8) (from Ch. 121 1/2, par. 137.8)

16 Sec. 8. Registration of dealers, limited Canadian dealers,
17 Internet portals, salespersons, investment advisers, and
18 investment adviser representatives.

19 A. Except as otherwise provided in this subsection A, every
20 dealer, limited Canadian dealer, salesperson, investment
21 adviser, and investment adviser representative shall be
22 registered as such with the Secretary of State. No dealer or
23 salesperson need be registered as such when offering or selling

1 securities in transactions exempted by subsection A, B, C, D,
2 E, G, H, I, J, K, M, O, P, Q, R or S of Section 4 of this Act,
3 provided that such dealer or salesperson is not regularly
4 engaged in the business of offering or selling securities in
5 reliance upon the exemption set forth in subsection G or M of
6 Section 4 of this Act. No dealer, issuer or controlling person
7 shall employ a salesperson unless such salesperson is
8 registered as such with the Secretary of State or is employed
9 for the purpose of offering or selling securities solely in
10 transactions exempted by subsection A, B, C, D, E, G, H, I, J,
11 K, L, M, O, P, Q, R or S of Section 4 of this Act; provided that
12 such salesperson need not be registered when effecting
13 transactions in this State limited to those transactions
14 described in Section 15(h)(2) of the Federal 1934 Act or
15 engaging in the offer or sale of securities in respect of which
16 he or she has beneficial ownership and is a controlling person.
17 The Secretary of State may, by rule, regulation or order and
18 subject to such terms, conditions, and fees as may be
19 prescribed in such rule, regulation or order, exempt from the
20 registration requirements of this Section 8 any investment
21 adviser, if the Secretary of State shall find that such
22 registration is not necessary in the public interest by reason
23 of the small number of clients or otherwise limited character
24 of operation of such investment adviser.

25 B. An application for registration as a dealer or limited

1 Canadian dealer, executed, verified, or authenticated by or on
2 behalf of the applicant, shall be filed with the Secretary of
3 State, in such form as the Secretary of State may by rule,
4 regulation or order prescribe, setting forth or accompanied by:

5 (1) The name and address of the applicant, the location
6 of its principal business office and all branch offices, if
7 any, and the date of its organization;

8 (2) A statement of any other Federal or state licenses
9 or registrations which have been granted the applicant and
10 whether any such licenses or registrations have ever been
11 refused, cancelled, suspended, revoked or withdrawn;

12 (3) The assets and all liabilities, including
13 contingent liabilities of the applicant, as of a date not
14 more than 60 days prior to the filing of the application;

15 (4) (a) A brief description of any civil or criminal
16 proceeding of which fraud is an essential element pending
17 against the applicant and whether the applicant has ever
18 been convicted of a felony, or of any misdemeanor of which
19 fraud is an essential element;

20 (b) A list setting forth the name, residence and
21 business address and a 10 year occupational statement of
22 each principal of the applicant and a statement describing
23 briefly any civil or criminal proceedings of which fraud is
24 an essential element pending against any such principal and
25 the facts concerning any conviction of any such principal
26 of a felony, or of any misdemeanor of which fraud is an

1 essential element;

2 (5) If the applicant is a corporation: a list of its
3 officers and directors setting forth the residence and
4 business address of each; a 10-year occupational statement
5 of each such officer or director; and a statement
6 describing briefly any civil or criminal proceedings of
7 which fraud is an essential element pending against each
8 such officer or director and the facts concerning any
9 conviction of any officer or director of a felony, or of
10 any misdemeanor of which fraud is an essential element;

11 (6) If the applicant is a sole proprietorship, a
12 partnership, limited liability company, an unincorporated
13 association or any similar form of business organization:
14 the name, residence and business address of the proprietor
15 or of each partner, member, officer, director, trustee or
16 manager; the limitations, if any, of the liability of each
17 such individual; a 10-year occupational statement of each
18 such individual; a statement describing briefly any civil
19 or criminal proceedings of which fraud is an essential
20 element pending against each such individual and the facts
21 concerning any conviction of any such individual of a
22 felony, or of any misdemeanor of which fraud is an
23 essential element;

24 (7) Such additional information as the Secretary of
25 State may by rule or regulation prescribe as necessary to
26 determine the applicant's financial responsibility,

1 business repute and qualification to act as a dealer.

2 (8) (a) No applicant shall be registered or
3 re-registered as a dealer or limited Canadian dealer under
4 this Section unless and until each principal of the dealer
5 has passed an examination conducted by the Secretary of
6 State or a self-regulatory organization of securities
7 dealers or similar person, which examination has been
8 designated by the Secretary of State by rule, regulation or
9 order to be satisfactory for purposes of determining
10 whether the applicant has sufficient knowledge of the
11 securities business and laws relating thereto to act as a
12 registered dealer. Any dealer who was registered on
13 September 30, 1963, and has continued to be so registered;
14 and any principal of any registered dealer, who was acting
15 in such capacity on and continuously since September 30,
16 1963; and any individual who has previously passed a
17 securities dealer examination administered by the
18 Secretary of State or any examination designated by the
19 Secretary of State to be satisfactory for purposes of
20 determining whether the applicant has sufficient knowledge
21 of the securities business and laws relating thereto to act
22 as a registered dealer by rule, regulation or order, shall
23 not be required to pass an examination in order to continue
24 to act in such capacity. The Secretary of State may by
25 order waive the examination requirement for any principal
26 of an applicant for registration under this subsection B

1 who has had such experience or education relating to the
2 securities business as may be determined by the Secretary
3 of State to be the equivalent of such examination. Any
4 request for such a waiver shall be filed with the Secretary
5 of State in such form as may be prescribed by rule or
6 regulation.

7 (b) Unless an applicant is a member of the body
8 corporate known as the Securities Investor Protection
9 Corporation established pursuant to the Act of Congress of
10 the United States known as the Securities Investor
11 Protection Act of 1970, as amended, a member of an
12 association of dealers registered as a national securities
13 association pursuant to Section 15A of the Federal 1934
14 Act, or a member of a self-regulatory organization or stock
15 exchange in Canada which the Secretary of State has
16 designated by rule or order, an applicant shall not be
17 registered or re-registered unless and until there is filed
18 with the Secretary of State evidence that such applicant
19 has in effect insurance or other equivalent protection for
20 each client's cash or securities held by such applicant,
21 and an undertaking that such applicant will continually
22 maintain such insurance or other protection during the
23 period of registration or re-registration. Such insurance
24 or other protection shall be in a form and amount
25 reasonably prescribed by the Secretary of State by rule or
26 regulation.

1 (9) The application for the registration of a dealer or
2 limited Canadian dealer shall be accompanied by a filing
3 fee and a fee for each branch office in this State, in each
4 case in the amount established pursuant to Section 11a of
5 this Act, which fees shall not be returnable in any event.

6 (10) The Secretary of State shall notify the dealer or
7 limited Canadian dealer by written notice (which may be by
8 electronic or facsimile transmission) of the effectiveness
9 of the registration as a dealer in this State.

10 (11) Any change which renders no longer accurate any
11 information contained in any application for registration
12 or re-registration of a dealer or limited Canadian dealer
13 shall be reported to the Secretary of State within 10
14 business days after the occurrence of such change; but in
15 respect to assets and liabilities only materially adverse
16 changes need be reported.

17 C. Any registered dealer, limited Canadian dealer, issuer,
18 or controlling person desiring to register a salesperson shall
19 file an application with the Secretary of State, in such form
20 as the Secretary of State may by rule or regulation prescribe,
21 which the salesperson is required by this Section to provide to
22 the dealer, issuer, or controlling person, executed, verified,
23 or authenticated by the salesperson setting forth or
24 accompanied by:

25 (1) the name, residence and business address of the

1 salesperson;

2 (2) whether any federal or State license or
3 registration as dealer, limited Canadian dealer, or
4 salesperson has ever been refused the salesperson or
5 cancelled, suspended, revoked, withdrawn, barred, limited,
6 or otherwise adversely affected in a similar manner or
7 whether the salesperson has ever been censured or expelled;

8 (3) the nature of employment with, and names and
9 addresses of, employers of the salesperson for the 10 years
10 immediately preceding the date of application;

11 (4) a brief description of any civil or criminal
12 proceedings of which fraud is an essential element pending
13 against the salesperson, and whether the salesperson has
14 ever been convicted of a felony, or of any misdemeanor of
15 which fraud is an essential element;

16 (5) such additional information as the Secretary of
17 State may by rule, regulation or order prescribe as
18 necessary to determine the salesperson's business repute
19 and qualification to act as a salesperson; and

20 (6) no individual shall be registered or re-registered
21 as a salesperson under this Section unless and until such
22 individual has passed an examination conducted by the
23 Secretary of State or a self-regulatory organization of
24 securities dealers or similar person, which examination
25 has been designated by the Secretary of State by rule,
26 regulation or order to be satisfactory for purposes of

1 determining whether the applicant has sufficient knowledge
2 of the securities business and laws relating thereto to act
3 as a registered salesperson.

4 Any salesperson who was registered prior to September
5 30, 1963, and has continued to be so registered, and any
6 individual who has passed a securities salesperson
7 examination administered by the Secretary of State or an
8 examination designated by the Secretary of State by rule,
9 regulation or order to be satisfactory for purposes of
10 determining whether the applicant has sufficient knowledge
11 of the securities business and laws relating thereto to act
12 as a registered salesperson, shall not be required to pass
13 an examination in order to continue to act as a
14 salesperson. The Secretary of State may by order waive the
15 examination requirement for any applicant for registration
16 under this subsection C who has had such experience or
17 education relating to the securities business as may be
18 determined by the Secretary of State to be the equivalent
19 of such examination. Any request for such a waiver shall be
20 filed with the Secretary of State in such form as may be
21 prescribed by rule, regulation or order.

22 (7) The application for registration of a salesperson
23 shall be accompanied by a filing fee and a Securities Audit
24 and Enforcement Fund fee, each in the amount established
25 pursuant to Section 11a of this Act, which shall not be
26 returnable in any event.

1 (8) Any change which renders no longer accurate any
2 information contained in any application for registration
3 or re-registration as a salesperson shall be reported to
4 the Secretary of State within 10 business days after the
5 occurrence of such change. If the activities are terminated
6 which rendered an individual a salesperson for the dealer,
7 issuer or controlling person, the dealer, issuer or
8 controlling person, as the case may be, shall notify the
9 Secretary of State, in writing, within 30 days of the
10 salesperson's cessation of activities, using the
11 appropriate termination notice form.

12 (9) A registered salesperson may transfer his or her
13 registration under this Section 8 for the unexpired term
14 thereof from one registered dealer or limited Canadian
15 dealer to another by the giving of notice of the transfer
16 by the new registered dealer or limited Canadian dealer to
17 the Secretary of State in such form and subject to such
18 conditions as the Secretary of State shall by rule or
19 regulation prescribe. The new registered dealer or limited
20 Canadian dealer shall promptly file an application for
21 registration of such salesperson as provided in this
22 subsection C, accompanied by the filing fee prescribed by
23 paragraph (7) of this subsection C.

24 C-5. Except with respect to federal covered investment
25 advisers whose only clients are investment companies as defined

1 in the Federal 1940 Act, other investment advisers, federal
2 covered investment advisers, or any similar person which the
3 Secretary of State may prescribe by rule or order, a federal
4 covered investment adviser shall file with the Secretary of
5 State, prior to acting as a federal covered investment adviser
6 in this State, such documents as have been filed with the
7 Securities and Exchange Commission as the Secretary of State by
8 rule or order may prescribe. The notification of a federal
9 covered investment adviser shall be accompanied by a
10 notification filing fee established pursuant to Section 11a of
11 this Act, which shall not be returnable in any event. Every
12 person acting as a federal covered investment adviser in this
13 State shall file a notification filing and pay an annual
14 notification filing fee established pursuant to Section 11a of
15 this Act, which is not returnable in any event. The failure to
16 file any such notification shall constitute a violation of
17 subsection D of Section 12 of this Act, subject to the
18 penalties enumerated in Section 14 of this Act. Until October
19 10, 1999 or other date as may be legally permissible, a federal
20 covered investment adviser who fails to file the notification
21 or refuses to pay the fees as required by this subsection shall
22 register as an investment adviser with the Secretary of State
23 under Section 8 of this Act. The civil remedies provided for in
24 subsection A of Section 13 of this Act and the civil remedies
25 of rescission and appointment of receiver, conservator,
26 ancillary receiver, or ancillary conservator provided for in

1 subsection F of Section 13 of this Act shall not be available
2 against any person by reason of the failure to file any such
3 notification or to pay the notification fee or on account of
4 the contents of any such notification.

5 D. An application for registration as an investment
6 adviser, executed, verified, or authenticated by or on behalf
7 of the applicant, shall be filed with the Secretary of State,
8 in such form as the Secretary of State may by rule or
9 regulation prescribe, setting forth or accompanied by:

10 (1) The name and form of organization under which the
11 investment adviser engages or intends to engage in
12 business; the state or country and date of its
13 organization; the location of the adviser's principal
14 business office and branch offices, if any; the names and
15 addresses of the adviser's principal, partners, officers,
16 directors, and persons performing similar functions or, if
17 the investment adviser is an individual, of the individual;
18 and the number of the adviser's employees who perform
19 investment advisory functions;

20 (2) The education, the business affiliations for the
21 past 10 years, and the present business affiliations of the
22 investment adviser and of the adviser's principal,
23 partners, officers, directors, and persons performing
24 similar functions and of any person controlling the
25 investment adviser;

1 (3) The nature of the business of the investment
2 adviser, including the manner of giving advice and
3 rendering analyses or reports;

4 (4) The nature and scope of the authority of the
5 investment adviser with respect to clients' funds and
6 accounts;

7 (5) The basis or bases upon which the investment
8 adviser is compensated;

9 (6) Whether the investment adviser or any principal,
10 partner, officer, director, person performing similar
11 functions or person controlling the investment adviser (i)
12 within 10 years of the filing of the application has been
13 convicted of a felony, or of any misdemeanor of which fraud
14 is an essential element, or (ii) is permanently or
15 temporarily enjoined by order or judgment from acting as an
16 investment adviser, underwriter, dealer, principal or
17 salesperson, or from engaging in or continuing any conduct
18 or practice in connection with any such activity or in
19 connection with the purchase or sale of any security, and
20 in each case the facts relating to the conviction, order or
21 judgment;

22 (7) (a) A statement as to whether the investment
23 adviser is engaged or is to engage primarily in the
24 business of rendering investment supervisory services; and

25 (b) A statement that the investment adviser will
26 furnish his, her, or its clients with such information as

1 the Secretary of State deems necessary in the form
2 prescribed by the Secretary of State by rule or regulation;

3 (8) Such additional information as the Secretary of
4 State may, by rule, regulation or order prescribe as
5 necessary to determine the applicant's financial
6 responsibility, business repute and qualification to act
7 as an investment adviser.

8 (9) No applicant shall be registered or re-registered
9 as an investment adviser under this Section unless and
10 until each principal of the applicant who is actively
11 engaged in the conduct and management of the applicant's
12 advisory business in this State has passed an examination
13 or completed an educational program conducted by the
14 Secretary of State or an association of investment advisers
15 or similar person, which examination or educational
16 program has been designated by the Secretary of State by
17 rule, regulation or order to be satisfactory for purposes
18 of determining whether the applicant has sufficient
19 knowledge of the securities business and laws relating
20 thereto to conduct the business of a registered investment
21 adviser.

22 Any person who was a registered investment adviser
23 prior to September 30, 1963, and has continued to be so
24 registered, and any individual who has passed an investment
25 adviser examination administered by the Secretary of
26 State, or passed an examination or completed an educational

1 program designated by the Secretary of State by rule,
2 regulation or order to be satisfactory for purposes of
3 determining whether the applicant has sufficient knowledge
4 of the securities business and laws relating thereto to
5 conduct the business of a registered investment adviser,
6 shall not be required to pass an examination or complete an
7 educational program in order to continue to act as an
8 investment adviser. The Secretary of State may by order
9 waive the examination or educational program requirement
10 for any applicant for registration under this subsection D
11 if the principal of the applicant who is actively engaged
12 in the conduct and management of the applicant's advisory
13 business in this State has had such experience or education
14 relating to the securities business as may be determined by
15 the Secretary of State to be the equivalent of the
16 examination or educational program. Any request for a
17 waiver shall be filed with the Secretary of State in such
18 form as may be prescribed by rule or regulation.

19 (10) No applicant shall be registered or re-registered
20 as an investment adviser under this Section 8 unless the
21 application for registration or re-registration is
22 accompanied by an application for registration or
23 re-registration for each person acting as an investment
24 adviser representative on behalf of the adviser and a
25 Securities Audit and Enforcement Fund fee that shall not be
26 returnable in any event is paid with respect to each

1 investment adviser representative.

2 (11) The application for registration of an investment
3 adviser shall be accompanied by a filing fee and a fee for
4 each branch office in this State, in each case in the
5 amount established pursuant to Section 11a of this Act,
6 which fees shall not be returnable in any event.

7 (12) The Secretary of State shall notify the investment
8 adviser by written notice (which may be by electronic or
9 facsimile transmission) of the effectiveness of the
10 registration as an investment adviser in this State.

11 (13) Any change which renders no longer accurate any
12 information contained in any application for registration
13 or re-registration of an investment adviser shall be
14 reported to the Secretary of State within 10 business days
15 after the occurrence of the change. In respect to assets
16 and liabilities of an investment adviser that retains
17 custody of clients' cash or securities or accepts
18 pre-payment of fees in excess of \$500 per client and 6 or
19 more months in advance only materially adverse changes need
20 be reported by written notice (which may be by electronic
21 or facsimile transmission) no later than the close of
22 business on the second business day following the discovery
23 thereof.

24 (14) Each application for registration as an
25 investment adviser shall become effective automatically on
26 the 45th day following the filing of the application,

1 required documents or information, and payment of the
2 required fee unless (i) the Secretary of State has
3 registered the investment adviser prior to that date or
4 (ii) an action with respect to the applicant is pending
5 under Section 11 of this Act.

6 D-5. A registered investment adviser or federal covered
7 investment adviser desiring to register an investment adviser
8 representative shall file an application with the Secretary of
9 State, in the form as the Secretary of State may by rule or
10 order prescribe, which the investment adviser representative
11 is required by this Section to provide to the investment
12 adviser, executed, verified, or authenticated by the
13 investment adviser representative and setting forth or
14 accompanied by:

15 (1) The name, residence, and business address of the
16 investment adviser representative;

17 (2) A statement whether any federal or state license or
18 registration as a dealer, salesperson, investment adviser,
19 or investment adviser representative has ever been
20 refused, canceled, suspended, revoked or withdrawn;

21 (3) The nature of employment with, and names and
22 addresses of, employers of the investment adviser
23 representative for the 10 years immediately preceding the
24 date of application;

25 (4) A brief description of any civil or criminal

1 proceedings, of which fraud is an essential element,
2 pending against the investment adviser representative and
3 whether the investment adviser representative has ever
4 been convicted of a felony or of any misdemeanor of which
5 fraud is an essential element;

6 (5) Such additional information as the Secretary of
7 State may by rule or order prescribe as necessary to
8 determine the investment adviser representative's business
9 repute or qualification to act as an investment adviser
10 representative;

11 (6) Documentation that the individual has passed an
12 examination conducted by the Secretary of State, an
13 organization of investment advisers, or similar person,
14 which examination has been designated by the Secretary of
15 State by rule or order to be satisfactory for purposes of
16 determining whether the applicant has sufficient knowledge
17 of the investment advisory or securities business and laws
18 relating to that business to act as a registered investment
19 adviser representative; and

20 (7) A Securities Audit and Enforcement Fund fee
21 established under Section 11a of this Act, which shall not
22 be returnable in any event.

23 The Secretary of State may by order waive the examination
24 requirement for an applicant for registration under this
25 subsection D-5 who has had the experience or education relating
26 to the investment advisory or securities business as may be

1 determined by the Secretary of State to be the equivalent of
2 the examination. A request for a waiver shall be filed with the
3 Secretary of State in the form as may be prescribed by rule or
4 order.

5 A change that renders no longer accurate any information
6 contained in any application for registration or
7 re-registration as an investment adviser representative must
8 be reported to the Secretary of State within 10 business days
9 after the occurrence of the change. If the activities that
10 rendered an individual an investment adviser representative
11 for the investment adviser are terminated, the investment
12 adviser shall notify the Secretary of State in writing (which
13 may be by electronic or facsimile transmission), within 30 days
14 of the investment adviser representative's termination, using
15 the appropriate termination notice form as the Secretary of
16 State may prescribe by rule or order.

17 A registered investment adviser representative may
18 transfer his or her registration under this Section 8 for the
19 unexpired term of the registration from one registered
20 investment adviser to another by the giving of notice of the
21 transfer by the new investment adviser to the Secretary of
22 State in the form and subject to the conditions as the
23 Secretary of State shall prescribe. The new registered
24 investment adviser shall promptly file an application for
25 registration of the investment adviser representative as
26 provided in this subsection, accompanied by the Securities

1 Audit and Enforcement Fund fee prescribed by paragraph (7) of
2 this subsection D-5.

3 E. (1) Subject to the provisions of subsection F of Section
4 11 of this Act, the registration of a dealer, limited Canadian
5 dealer, salesperson, investment adviser, or investment adviser
6 representative may be denied, suspended or revoked if the
7 Secretary of State finds that the dealer, limited Canadian
8 dealer, Internet portal, salesperson, investment adviser, or
9 investment adviser representative or any principal officer,
10 director, partner, member, trustee, manager or any person who
11 performs a similar function of the dealer, limited Canadian
12 dealer, Internet portal, or investment adviser:

13 (a) has been convicted of any felony during the 10 year
14 period preceding the date of filing of any application for
15 registration or at any time thereafter, or of any
16 misdemeanor of which fraud is an essential element;

17 (b) has engaged in any unethical practice in connection
18 with any security, or in any fraudulent business practice;

19 (c) has failed to account for any money or property, or
20 has failed to deliver any security, to any person entitled
21 thereto when due or within a reasonable time thereafter;

22 (d) in the case of a dealer, limited Canadian dealer,
23 or investment adviser, is insolvent;

24 (e) in the case of a dealer, limited Canadian dealer,
25 salesperson, or registered principal of a dealer or limited

1 Canadian dealer (i) has failed reasonably to supervise the
2 securities activities of any of its salespersons or other
3 employees and the failure has permitted or facilitated a
4 violation of Section 12 of this Act or (ii) is offering or
5 selling or has offered or sold securities in this State
6 through a salesperson other than a registered salesperson,
7 or, in the case of a salesperson, is selling or has sold
8 securities in this State for a dealer, limited Canadian
9 dealer, issuer or controlling person with knowledge that
10 the dealer, limited Canadian dealer, issuer or controlling
11 person has not complied with the provisions of this Act or
12 (iii) has failed reasonably to supervise the
13 implementation of compliance measures following notice by
14 the Secretary of State of noncompliance with the Act or
15 with the regulations promulgated thereunder or both or (iv)
16 has failed to maintain and enforce written procedures to
17 supervise the types of business in which it engages and to
18 supervise the activities of its salespersons that are
19 reasonably designed to achieve compliance with applicable
20 securities laws and regulations;

21 (f) in the case of an investment adviser, has failed
22 reasonably to supervise the advisory activities of any of
23 its investment adviser representatives or employees and
24 the failure has permitted or facilitated a violation of
25 Section 12 of this Act;

26 (g) has violated any of the provisions of this Act;

1 (h) has made any material misrepresentation to the
2 Secretary of State in connection with any information
3 deemed necessary by the Secretary of State to determine a
4 dealer's, limited Canadian dealer's, or investment
5 adviser's financial responsibility or a dealer's, limited
6 Canadian dealer's, investment adviser's, salesperson's, or
7 investment adviser representative's business repute or
8 qualifications, or has refused to furnish any such
9 information requested by the Secretary of State;

10 (i) has had a license or registration under any Federal
11 or State law regulating securities, commodity futures
12 contracts, or stock futures contracts refused, cancelled,
13 suspended, withdrawn, revoked, or otherwise adversely
14 affected in a similar manner;

15 (j) has had membership in or association with any
16 self-regulatory organization registered under the Federal
17 1934 Act or the Federal 1974 Act suspended, revoked,
18 refused, expelled, cancelled, barred, limited in any
19 capacity, or otherwise adversely affected in a similar
20 manner arising from any fraudulent or deceptive act or a
21 practice in violation of any rule, regulation or standard
22 duly promulgated by the self-regulatory organization;

23 (k) has had any order entered against it after notice
24 and opportunity for hearing by a securities agency of any
25 state, any foreign government or agency thereof, the
26 Securities and Exchange Commission, or the Federal

1 Commodities Futures Trading Commission arising from any
2 fraudulent or deceptive act or a practice in violation of
3 any statute, rule or regulation administered or
4 promulgated by the agency or commission;

5 (l) in the case of a dealer or limited Canadian dealer,
6 fails to maintain a minimum net capital in an amount which
7 the Secretary of State may by rule or regulation require;

8 (m) has conducted a continuing course of dealing of
9 such nature as to demonstrate an inability to properly
10 conduct the business of the dealer, limited Canadian
11 dealer, salesperson, investment adviser, or investment
12 adviser representative;

13 (n) has had, after notice and opportunity for hearing,
14 any injunction or order entered against it or license or
15 registration refused, cancelled, suspended, revoked,
16 withdrawn, limited, or otherwise adversely affected in a
17 similar manner by any state or federal body, agency or
18 commission regulating banking, insurance, finance or small
19 loan companies, real estate or mortgage brokers or
20 companies, if the action resulted from any act found by the
21 body, agency or commission to be a fraudulent or deceptive
22 act or practice in violation of any statute, rule or
23 regulation administered or promulgated by the body, agency
24 or commission;

25 (o) has failed to file a return, or to pay the tax,
26 penalty or interest shown in a filed return, or to pay any

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

5 (p) (blank); ~~in the case of a natural person who is a~~
6 ~~dealer, limited Canadian dealer, salesperson, investment~~
7 ~~adviser, or investment adviser representative, has~~
8 ~~defaulted on an educational loan guaranteed by the Illinois~~
9 ~~Student Assistance Commission, until the natural person~~
10 ~~has established a satisfactory repayment record as~~
11 ~~determined by the Illinois Student Assistance Commission;~~

12 (q) has failed to maintain the books and records
13 required under this Act or rules or regulations promulgated
14 under this Act or under any requirements established by the
15 Securities and Exchange Commission or a self-regulatory
16 organization;

17 (r) has refused to allow or otherwise impeded designees
18 of the Secretary of State from conducting an audit,
19 examination, inspection, or investigation provided for
20 under Section 8 or 11 of this Act;

21 (s) has failed to maintain any minimum net capital or
22 bond requirement set forth in this Act or any rule or
23 regulation promulgated under this Act;

24 (t) has refused the Secretary of State or his or her
25 designee access to any office or location within an office
26 to conduct an investigation, audit, examination, or

1 inspection;

2 (u) has advised or caused a public pension fund or
3 retirement system established under the Illinois Pension
4 Code to make an investment or engage in a transaction not
5 authorized by that Code;

6 (v) if a corporation, limited liability company, or
7 limited liability partnership has been suspended,
8 canceled, revoked, or has failed to register as a foreign
9 corporation, limited liability company, or limited
10 liability partnership with the Secretary of State;

11 (w) is permanently or temporarily enjoined by any court
12 of competent jurisdiction, including any state, federal,
13 or foreign government, from engaging in or continuing any
14 conduct or practice involving any aspect of the securities
15 or commodities business or in any other business where the
16 conduct or practice enjoined involved investments,
17 franchises, insurance, banking, or finance;

18 (2) If the Secretary of State finds that any registrant or
19 applicant for registration is no longer in existence or has
20 ceased to do business as a dealer, limited Canadian dealer,
21 Internet portal, salesperson, investment adviser, or
22 investment adviser representative, or is subject to an
23 adjudication as a person under legal disability or to the
24 control of a guardian, or cannot be located after reasonable
25 search, or has failed after written notice to pay to the
26 Secretary of State any additional fee prescribed by this

1 Section or specified by rule or regulation, or if a natural
2 person, has defaulted on an educational loan guaranteed by the
3 Illinois Student Assistance Commission, the Secretary of State
4 may by order cancel the registration or application.

5 (3) Withdrawal of an application for registration or
6 withdrawal from registration as a dealer, limited Canadian
7 dealer, salesperson, investment adviser, or investment adviser
8 representative becomes effective 30 days after receipt of an
9 application to withdraw or within such shorter period of time
10 as the Secretary of State may determine, unless any proceeding
11 is pending under Section 11 of this Act when the application is
12 filed or a proceeding is instituted within 30 days after the
13 application is filed. If a proceeding is pending or instituted,
14 withdrawal becomes effective at such time and upon such
15 conditions as the Secretary of State by order determines. If no
16 proceeding is pending or instituted and withdrawal
17 automatically becomes effective, the Secretary of State may
18 nevertheless institute a revocation or suspension proceeding
19 within 2 years after withdrawal became effective and enter a
20 revocation or suspension order as of the last date on which
21 registration was effective.

22 F. The Secretary of State shall make available upon request
23 the date that each dealer, investment adviser, salesperson, or
24 investment adviser representative was granted registration,
25 together with the name and address of the dealer, limited

1 Canadian dealer, or issuer on whose behalf the salesperson is
2 registered, and all orders of the Secretary of State denying or
3 abandoning an application, or suspending or revoking
4 registration, or censuring the persons. The Secretary of State
5 may designate by rule, regulation or order the statements,
6 information or reports submitted to or filed with him or her
7 pursuant to this Section 8 which the Secretary of State
8 determines are of a sensitive nature and therefore should be
9 exempt from public disclosure. Any such statement, information
10 or report shall be deemed confidential and shall not be
11 disclosed to the public except upon the consent of the person
12 filing or submitting the statement, information or report or by
13 order of court or in court proceedings.

14 G. The registration or re-registration of a dealer or
15 limited Canadian dealer and of all salespersons registered upon
16 application of the dealer or limited Canadian dealer shall
17 expire on the next succeeding anniversary date of the
18 registration or re-registration of the dealer; and the
19 registration or re-registration of an investment adviser and of
20 all investment adviser representatives registered upon
21 application of the investment adviser shall expire on the next
22 succeeding anniversary date of the registration of the
23 investment adviser; provided, that the Secretary of State may
24 by rule or regulation prescribe an alternate date which any
25 dealer registered under the Federal 1934 Act or a member of any

1 self-regulatory association approved pursuant thereto, a
2 member of a self-regulatory organization or stock exchange in
3 Canada, or any investment adviser may elect as the expiration
4 date of its dealer or limited Canadian dealer and salesperson
5 registrations, or the expiration date of its investment adviser
6 registration, as the case may be. A registration of a
7 salesperson registered upon application of an issuer or
8 controlling person shall expire on the next succeeding
9 anniversary date of the registration, or upon termination or
10 expiration of the registration of the securities, if any,
11 designated in the application for his or her registration or
12 the alternative date as the Secretary may prescribe by rule or
13 regulation. Subject to paragraph (9) of subsection C of this
14 Section 8, a salesperson's registration also shall terminate
15 upon cessation of his or her employment, or termination of his
16 or her appointment or authorization, in each case by the person
17 who applied for the salesperson's registration, provided that
18 the Secretary of State may by rule or regulation prescribe an
19 alternate date for the expiration of the registration.

20 H. Applications for re-registration of dealers, limited
21 Canadian dealers, Internet portals, salespersons, investment
22 advisers, and investment adviser representatives shall be
23 filed with the Secretary of State prior to the expiration of
24 the then current registration and shall contain such
25 information as may be required by the Secretary of State upon

1 initial application with such omission therefrom or addition
2 thereto as the Secretary of State may authorize or prescribe.
3 Each application for re-registration of a dealer, limited
4 Canadian dealer, Internet portal, or investment adviser shall
5 be accompanied by a filing fee, each application for
6 re-registration as a salesperson shall be accompanied by a
7 filing fee and a Securities Audit and Enforcement Fund fee
8 established pursuant to Section 11a of this Act, and each
9 application for re-registration as an investment adviser
10 representative shall be accompanied by a Securities Audit and
11 Enforcement Fund fee established under Section 11a of this Act,
12 which shall not be returnable in any event. Notwithstanding the
13 foregoing, applications for re-registration of dealers,
14 limited Canadian dealers, Internet portals, and investment
15 advisers may be filed within 30 days following the expiration
16 of the registration provided that the applicant pays the annual
17 registration fee together with an additional amount equal to
18 the annual registration fee and files any other information or
19 documents that the Secretary of State may prescribe by rule or
20 regulation or order. Any application filed within 30 days
21 following the expiration of the registration shall be
22 automatically effective as of the time of the earlier
23 expiration provided that the proper fee has been paid to the
24 Secretary of State.

25 Each registered dealer, limited Canadian dealer, Internet
26 portal, or investment adviser shall continue to be registered

1 if the registrant changes his, her, or its form of organization
2 provided that the dealer or investment adviser files an
3 amendment to his, her, or its application not later than 30
4 days following the occurrence of the change and pays the
5 Secretary of State a fee in the amount established under
6 Section 11a of this Act.

7 I. (1) Every registered dealer, limited Canadian dealer,
8 Internet portal, and investment adviser shall make and keep for
9 such periods, such accounts, correspondence, memoranda,
10 papers, books and records as the Secretary of State may by rule
11 or regulation prescribe. All records so required shall be
12 preserved for 3 years unless the Secretary of State by rule,
13 regulation or order prescribes otherwise for particular types
14 of records.

15 (2) Every registered dealer, limited Canadian dealer,
16 Internet portal, and investment adviser shall file such
17 financial reports as the Secretary of State may by rule or
18 regulation prescribe.

19 (3) All the books and records referred to in paragraph (1)
20 of this subsection I are subject at any time or from time to
21 time to such reasonable periodic, special or other audits,
22 examinations, or inspections by representatives of the
23 Secretary of State, within or without this State, as the
24 Secretary of State deems necessary or appropriate in the public
25 interest or for the protection of investors.

1 (4) At the time of an audit, examination, or inspection,
2 the Secretary of State, by his or her designees, may conduct an
3 interview of any person employed or appointed by or affiliated
4 with a registered dealer, limited Canadian dealer, Internet
5 portal, or investment advisor, provided that the dealer,
6 limited Canadian dealer, Internet portal, or investment
7 advisor shall be given reasonable notice of the time and place
8 for the interview. At the option of the dealer, limited
9 Canadian dealer, Internet portal, or investment advisor, a
10 representative of the dealer or investment advisor with
11 supervisory responsibility over the individual being
12 interviewed may be present at the interview.

13 J. The Secretary of State may require by rule or regulation
14 the payment of an additional fee for the filing of information
15 or documents required to be filed by this Section which have
16 not been filed in a timely manner. The Secretary of State may
17 also require by rule or regulation the payment of an
18 examination fee for administering any examination which it may
19 conduct pursuant to subsection B, C, D, or D-5 of this Section
20 8.

21 K. The Secretary of State may declare any application for
22 registration or limited registration under this Section 8
23 abandoned by order if the applicant fails to pay any fee or
24 file any information or document required under this Section 8

1 or by rule or regulation for more than 30 days after the
2 required payment or filing date. The applicant may petition the
3 Secretary of State for a hearing within 15 days after the
4 applicant's receipt of the order of abandonment, provided that
5 the petition sets forth the grounds upon which the applicant
6 seeks a hearing.

7 L. Any document being filed pursuant to this Section 8
8 shall be deemed filed, and any fee being paid pursuant to this
9 Section 8 shall be deemed paid, upon the date of actual receipt
10 thereof by the Secretary of State or his or her designee.

11 M. The Secretary of State shall provide to the Illinois
12 Student Assistance Commission annually or at mutually agreed
13 periodic intervals the names and social security numbers of
14 natural persons registered under subsections B, C, D, and D-5
15 of this Section. The Illinois Student Assistance Commission
16 shall determine if any student loan defaulter is registered as
17 a dealer, limited Canadian dealer, Internet portal
18 salesperson, or investment adviser under this Act and report
19 its determination to the Secretary of State or his or her
20 designee.

21 (Source: P.A. 99-182, eff. 1-1-16.)

22 Section 999. Effective date. This Act takes effect upon
23 becoming law.

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