



Sen. Scott M. Bennett

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1 AMENDMENT TO SENATE BILL 2439

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2439 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Career Preservation and Student Loan Repayment Act.

6 Section 5. License; student loan default. Notwithstanding  
7 any other provision of law, no governmental agency or board  
8 established under a statute of this State may impose or refer a  
9 matter to any other governmental agency to impose a denial,  
10 refusal to renew, suspension, revocation, or other  
11 disciplinary action upon a professional or occupational  
12 license issued under the laws of this State for a person's  
13 delinquency, default, or other failure to perform on an  
14 educational loan or scholarship provided by or guaranteed by  
15 the Illinois Student Assistance Commission or any governmental  
16 agency of this State.

1           Section 705. The Department of Professional Regulation Law  
2 of the Civil Administrative Code of Illinois is amended by  
3 changing Sections 2105-15 and 2105-207 as follows:

4           (20 ILCS 2105/2105-15)

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

6           (a) The Department has, subject to the provisions of the  
7 Civil Administrative Code of Illinois, the following powers and  
8 duties:

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

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

17           (3) To pass upon the qualifications of applicants for  
18 licenses, certificates, and authorities, whether by  
19 examination, by reciprocity, or by endorsement.

20           (4) To prescribe rules and regulations defining, for  
21 the respective professions, trades, and occupations, what  
22 shall constitute a school, college, or university, or  
23 department of a university, or other institution,  
24 reputable and in good standing, and to determine the

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

10       (5) To conduct hearings on proceedings to revoke,  
11       suspend, refuse to renew, place on probationary status, or  
12       take other disciplinary action as authorized in any  
13       licensing Act administered by the Department with regard to  
14       licenses, certificates, or authorities of persons  
15       exercising the respective professions, trades, or  
16       occupations and to revoke, suspend, refuse to renew, place  
17       on probationary status, or take other disciplinary action  
18       as authorized in any licensing Act administered by the  
19       Department with regard to those licenses, certificates, or  
20       authorities.

21       The Department shall issue a monthly disciplinary  
22       report.

23       ~~The Department shall deny any license or renewal~~  
24       ~~authorized by the Civil Administrative Code of Illinois to~~  
25       ~~any person who has defaulted on an educational loan or~~  
26       ~~scholarship provided by or guaranteed by the Illinois~~

1 ~~Student Assistance Commission or any governmental agency~~  
2 ~~of this State; however, the Department may issue a license~~  
3 ~~or renewal if the aforementioned persons have established a~~  
4 ~~satisfactory repayment record as determined by the~~  
5 ~~Illinois Student Assistance Commission or other~~  
6 ~~appropriate governmental agency of this State.~~  
7 ~~Additionally, beginning June 1, 1996, any license issued by~~  
8 ~~the Department may be suspended or revoked if the~~  
9 ~~Department, after the opportunity for a hearing under the~~  
10 ~~appropriate licensing Act, finds that the licensee has~~  
11 ~~failed to make satisfactory repayment to the Illinois~~  
12 ~~Student Assistance Commission for a delinquent or~~  
13 ~~defaulted loan. For the purposes of this Section,~~  
14 ~~"satisfactory repayment record" shall be defined by rule.~~

15 The Department shall refuse to issue or renew a license  
16 to, or shall suspend or revoke a license of, any person  
17 who, after receiving notice, fails to comply with a  
18 subpoena or warrant relating to a paternity or child  
19 support proceeding. However, the Department may issue a  
20 license or renewal upon compliance with the subpoena or  
21 warrant.

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

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

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

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

25 (8) To exchange with the Department of Healthcare and  
26 Family Services information that may be necessary for the

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

16 (8.5) To accept continuing education credit for  
17 mandated reporter training on how to recognize and report  
18 child abuse offered by the Department of Children and  
19 Family Services and completed by any person who holds a  
20 professional license issued by the Department and who is a  
21 mandated reporter under the Abused and Neglected Child  
22 Reporting Act. The Department shall adopt any rules  
23 necessary to implement this paragraph.

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

25 (a-5) Except in ~~cases involving default on an educational~~  
26 ~~loan or scholarship provided by or guaranteed by the Illinois~~

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

11 (b) (Blank).

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

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

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

25 (e) The provisions of this Section do not apply to private  
26 business and vocational schools as defined by Section 15 of the



1 Private Business and Vocational Schools Act of 2012.

2 (f) (Blank).

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

17 In addition, a complaint filed with the Department by the  
18 Illinois Department of Revenue that includes a certification,  
19 signed by its Director or designee, attesting to the amount of  
20 the unpaid tax liability or the years for which a return was  
21 not filed, or both, is prima facie evidence of the licensee's  
22 failure to comply with the tax laws administered by the  
23 Illinois Department of Revenue. Upon receipt of that  
24 certification, the Department shall, without a hearing,  
25 immediately suspend all licenses held by the licensee.  
26 Enforcement of the Department's order shall be stayed for 60

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

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

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

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

1 be permitted to practice that profession.

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

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

17 (20 ILCS 2105/2105-207)

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

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

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

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

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

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

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

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

15 (2) continuing education;

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

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

19 (5) advertising;

20 (5.1) discipline based on criminal charges or  
21 convictions:

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

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

26 (5.2) past probationary status of a license issued to

1 new applicants on the sole or partial basis of prior  
2 convictions; or

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

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

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

1 (b) of this Section, except that the requirements of a 7-year  
2 waiting period and the \$200 application fee do not apply.

3 (Source: P.A. 100-262, eff. 8-22-17; 100-286, eff. 1-1-18;  
4 revised 10-4-17.)

5 (20 ILCS 3310/80 rep.)

6 Section 710. The Nuclear Safety Law of 2004 is amended by  
7 repealing Section 80.

8 Section 715. The School Code is amended by changing Section  
9 21B-75 as follows:

10 (105 ILCS 5/21B-75)

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1           The State Board of Education may refuse to issue or may  
2 suspend the license of any person who fails to file a return or  
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 Department of  
6 Revenue, until such time as the requirements of any such tax  
7 Act are satisfied.

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

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

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

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

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

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

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

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

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

20 Section 717. The Nursing Education Scholarship Law is  
21 amended by changing Section 4 as follows:

22 (110 ILCS 975/4) (from Ch. 144, par. 2754)

23 Sec. 4. Functions of Department. The Department shall  
24 prepare and supervise the issuance of public information about

1 the provisions of this Article; prescribe the form and regulate  
2 the submission of applications for scholarships; determine the  
3 eligibility of applicants; award the appropriate scholarships;  
4 prescribe the contracts or other acknowledgments of  
5 scholarship which an applicant is required to execute; and  
6 determine whether all or any part of a recipient's scholarship  
7 needs to be monetarily repaid, or has been excused from  
8 repayment, and the extent of any repayment or excused  
9 repayment. The Department may require a recipient to reimburse  
10 the State for expenses, including but not limited to attorney's  
11 fees, incurred by the Department or other agent of the State  
12 for a successful legal action against the recipient for a  
13 breach of any provision of the scholarship contract. ~~In a~~  
14 ~~breach of contract, the Department may utilize referral to the~~  
15 ~~Department of Professional Regulation to revoke, suspend,~~  
16 ~~refuse to renew, place on probationary status, or take other~~  
17 ~~disciplinary action concerning the recipient's credentials.~~  
18 The Department is authorized to make all necessary and proper  
19 rules, not inconsistent with this Article, for the efficient  
20 exercise of the foregoing functions.

21 (Source: P.A. 92-43, eff. 1-1-02.)

22 Section 720. The Illinois Insurance Code is amended by  
23 changing Section 500-70 as follows:

24 (215 ILCS 5/500-70)

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

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

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

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

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

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

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

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

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

26 (7) having admitted or been found to have committed any

1 insurance unfair trade practice or fraud;

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

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

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

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

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

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

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

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

26 (16) failing to comply with any provision of the



1 Viatical Settlements Act of 2009.

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

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

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

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

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

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

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

22           Section 725. The Illinois Athletic Trainers Practice Act is  
23 amended by changing Section 16 as follows:

24           (225 ILCS 5/16) (from Ch. 111, par. 7616)

1 (Section scheduled to be repealed on January 1, 2026)

2 Sec. 16. Grounds for discipline.

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

9 (A) Material misstatement in furnishing information to  
10 the Department;

11 (B) Violations of this Act, or of the rules or  
12 regulations promulgated hereunder;

13 (C) Conviction of or plea of guilty to any crime under  
14 the Criminal Code of 2012 or the laws of any jurisdiction  
15 of the United States that is (i) a felony, (ii) a  
16 misdemeanor, an essential element of which is dishonesty,  
17 or (iii) of any crime that is directly related to the  
18 practice of the profession;

19 (D) Fraud or any misrepresentation in applying for or  
20 procuring a license under this Act, or in connection with  
21 applying for renewal of a license under this Act;

22 (E) Professional incompetence or gross negligence;

23 (F) Malpractice;

24 (G) Aiding or assisting another person, firm,  
25 partnership, or corporation in violating any provision of  
26 this Act or rules;

1           (H) Failing, within 60 days, to provide information in  
2 response to a written request made by the Department;

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

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

10          (K) Discipline by another state, unit of government,  
11 government agency, the District of Columbia, territory, or  
12 foreign nation, if at least one of the grounds for the  
13 discipline is the same or substantially equivalent to those  
14 set forth herein;

15          (L) 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 subparagraph (L) 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 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 subparagraph (L) shall be construed to  
2 require an employment arrangement to receive professional  
3 fees for services rendered;

4 (M) A finding by the Department that the licensee after  
5 having his or her license disciplined has violated the  
6 terms of probation;

7 (N) Abandonment of an athlete;

8 (O) Willfully making or filing false records or reports  
9 in his or her practice, including but not limited to false  
10 records filed with State agencies or departments;

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

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

18 (R) Solicitation of professional services other than  
19 by permitted institutional policy;

20 (S) The use of any words, abbreviations, figures or  
21 letters with the intention of indicating practice as an  
22 athletic trainer without a valid license as an athletic  
23 trainer under this Act;

24 (T) The evaluation or treatment of ailments of human  
25 beings other than by the practice of athletic training as  
26 defined in this Act or the treatment of injuries of

1 athletes by a licensed athletic trainer except by the  
2 referral of a physician, podiatric physician, or dentist;

3 (U) Willfully violating or knowingly assisting in the  
4 violation of any law of this State relating to the use of  
5 habit-forming drugs;

6 (V) Willfully violating or knowingly assisting in the  
7 violation of any law of this State relating to the practice  
8 of abortion;

9 (W) Continued practice by a person knowingly having an  
10 infectious communicable or contagious disease;

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

17 (Y) (Blank);

18 (Z) Failure to fulfill continuing education  
19 requirements;

20 (AA) Allowing one's license under this Act to be used  
21 by an unlicensed person in violation of this Act;

22 (BB) Practicing under a false or, except as provided by  
23 law, assumed name;

24 (CC) Promotion of the sale of drugs, devices,  
25 appliances, or goods provided in any manner to exploit the  
26 client for the financial gain of the licensee;

1 (DD) Gross, willful, or continued overcharging for  
2 professional services;

3 (EE) Mental illness or disability that results in the  
4 inability to practice under this Act with reasonable  
5 judgment, skill, or safety; or

6 (FF) Cheating on or attempting to subvert the licensing  
7 examination administered under this Act.

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

12 (2) The determination by a circuit court that a licensee is  
13 subject to involuntary admission or judicial admission as  
14 provided in the Mental Health and Developmental Disabilities  
15 Code operates as an automatic suspension. Such suspension will  
16 end only upon a finding by a court that the licensee is no  
17 longer subject to involuntary admission or judicial admission  
18 and issuance of an order so finding and discharging the  
19 licensee.

20 (3) The Department may refuse to issue or may suspend  
21 without hearing, as provided for in the Code of Civil  
22 Procedure, the license of any person who fails to file a  
23 return, to pay the tax, penalty, or interest shown in a filed  
24 return, or to pay any final assessment of tax, penalty, or  
25 interest as required by any tax Act administered by the  
26 Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied in accordance  
2 with subsection (a) of Section 2105-15 of the Department of  
3 Professional Regulation Law of the Civil Administrative Code of  
4 Illinois.

5 (4) In enforcing this Section, the Department, upon a  
6 showing of a possible violation, may compel any individual who  
7 is licensed under this Act or any individual who has applied  
8 for licensure to submit to a mental or physical examination or  
9 evaluation, or both, which may include a substance abuse or  
10 sexual offender evaluation, at the expense of the Department.  
11 The Department shall specifically designate the examining  
12 physician licensed to practice medicine in all of its branches  
13 or, if applicable, the multidisciplinary team involved in  
14 providing the mental or physical examination and evaluation.  
15 The multidisciplinary team shall be led by a physician licensed  
16 to practice medicine in all of its branches and may consist of  
17 one or more or a combination of physicians licensed to practice  
18 medicine in all of its branches, licensed chiropractic  
19 physicians, licensed clinical psychologists, licensed clinical  
20 social workers, licensed clinical professional counselors, and  
21 other professional and administrative staff. Any examining  
22 physician or member of the multidisciplinary team may require  
23 any person ordered to submit to an examination and evaluation  
24 pursuant to this Section to submit to any additional  
25 supplemental testing deemed necessary to complete any  
26 examination or evaluation process, including, but not limited



1 to, blood testing, urinalysis, psychological testing, or  
2 neuropsychological testing.

3 The Department may order the examining physician or any  
4 member of the multidisciplinary team to provide to the  
5 Department any and all records, including business records,  
6 that relate to the examination and evaluation, including any  
7 supplemental testing performed. The Department may order the  
8 examining physician or any member of the multidisciplinary team  
9 to present testimony concerning this examination and  
10 evaluation of the licensee or applicant, including testimony  
11 concerning any supplemental testing or documents relating to  
12 the examination and evaluation. No information, report,  
13 record, or other documents in any way related to the  
14 examination and evaluation shall be excluded by reason of any  
15 common law or statutory privilege relating to communication  
16 between the licensee or applicant and the examining physician  
17 or any member of the multidisciplinary team. No authorization  
18 is necessary from the licensee or applicant ordered to undergo  
19 an evaluation and examination for the examining physician or  
20 any member of the multidisciplinary team to provide  
21 information, reports, records, or other documents or to provide  
22 any testimony regarding the examination and evaluation. The  
23 individual to be examined may have, at his or her own expense,  
24 another physician of his or her choice present during all  
25 aspects of the examination.

26 Failure of any individual to submit to a mental or physical

1 examination or evaluation, or both, when directed, shall result  
2 in an automatic suspension without hearing, until such time as  
3 the individual submits to the examination. If the Department  
4 finds a licensee unable to practice because of the reasons set  
5 forth in this Section, the Department shall require the  
6 licensee to submit to care, counseling, or treatment by  
7 physicians approved or designated by the Department as a  
8 condition for continued, reinstated, or renewed licensure.

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

17 Individuals licensed under this Act who are affected under  
18 this Section shall be afforded an opportunity to demonstrate to  
19 the Department that they can resume practice in compliance with  
20 acceptable and prevailing standards under the provisions of  
21 their license.

22 (5) (Blank). ~~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 in accordance with paragraph (5) of~~

1 ~~subsection (a) of Section 2105-15 of the Department of~~  
2 ~~Professional Regulation Law of the Civil Administrative Code of~~  
3 ~~Illinois.~~

4 (6) 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 paragraph (5)  
13 of subsection (a) of Section 2105-15 of the Department of  
14 Professional Regulation Law of the Civil Administrative Code of  
15 Illinois.

16 (Source: P.A. 98-214, eff. 8-9-13; 99-469, eff. 8-26-15.)

17 Section 730. The Dietitian Nutritionist Practice Act is  
18 amended by changing Section 95 as follows:

19 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

21 Sec. 95. Grounds for discipline.

22 (1) 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 \$10,000 for each violation, with regard to any license or  
3 certificate for any one or combination of the following causes:

4 (a) Material misstatement in furnishing information to  
5 the Department.

6 (b) Violations of this Act or of rules adopted under  
7 this Act.

8 (c) 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 (d) 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 (e) Professional incompetence or gross negligence.

21 (f) Malpractice.

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

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

26 (i) Engaging in dishonorable, unethical or

1 unprofessional conduct of a character likely to deceive,  
2 defraud, or harm the public.

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

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

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

25 (m) A finding by the Department that the licensee,  
26 after having his or her license placed on probationary

1 status, has violated the terms of probation.

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

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

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

9 (q) Gross and willful overcharging for professional  
10 services.

11 (r) (Blank).

12 (s) 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 (t) Cheating on or attempting to subvert a licensing  
16 examination administered under this Act.

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

20 (v) Physical illness, including, but not limited to,  
21 deterioration through the aging process or loss of motor  
22 skill that results in a licensee's inability to practice  
23 under this Act with reasonable judgment, skill, or safety.

24 (w) Advising an individual to discontinue, reduce,  
25 increase, or otherwise alter the intake of a drug  
26 prescribed by a physician licensed to practice medicine in

1 all its branches or by a prescriber as defined in Section  
2 102 of the Illinois Controlled Substances Act.

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

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

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

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

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

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



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

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

25 In instances in which the Secretary immediately suspends a  
26 person's license under this Section, a hearing on that person's

1 license must be convened by the Department within 15 days after  
2 the suspension and completed without appreciable delay. The  
3 Department shall have the authority to review the subject  
4 individual's record of treatment and counseling regarding the  
5 impairment to the extent permitted by applicable federal  
6 statutes and regulations safeguarding the confidentiality of  
7 medical records.

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

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

15 Section 735. The Environmental Health Practitioner  
16 Licensing Act is amended by changing Section 35 as follows:

17 (225 ILCS 37/35)

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

19 Sec. 35. Grounds for discipline.

20 (a) The Department may refuse to issue or renew, or may  
21 revoke, suspend, place on probation, reprimand, or take other  
22 disciplinary action with regard to any license issued under  
23 this Act as the Department may consider proper, including the  
24 imposition of fines not to exceed \$5,000 for each violation,

1 for any one or combination of the following causes:

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

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

5 (3) Conviction of any felony under the laws of any U.S.  
6 jurisdiction, any misdemeanor an essential element of  
7 which is dishonesty, or any crime that is directly related  
8 to the practice of the profession.

9 (4) Making any misrepresentation for the purpose of  
10 obtaining a certificate of registration.

11 (5) Professional incompetence.

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

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

16 (8) Engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public as defined by rules of the  
19 Department.

20 (9) Habitual or excessive use or addiction to alcohol,  
21 narcotics, stimulants, or any other chemical agent or drug  
22 that results in an environmental health practitioner's  
23 inability to practice with reasonable judgment, skill, or  
24 safety.

25 (10) Discipline by another U.S. jurisdiction or  
26 foreign nation, if at least one of the grounds for a

1 discipline is the same or substantially equivalent to those  
2 set forth in this Act.

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

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

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

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

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

24 (16) Solicitation of professional services by using  
25 false or misleading advertising.

26 (17) A finding that the license has been applied for or

1           obtained by fraudulent means.

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

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

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

14          (c) The determination by a circuit court that a licensee is  
15          subject to involuntary admission or judicial admission to a  
16          mental health facility as provided in the Mental Health and  
17          Developmental Disabilities Code operates as an automatic  
18          suspension. The suspension may end only upon a finding by a  
19          court that the licensee 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 licensee be allowed to  
23          resume practice.

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

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

18 If the Department finds an individual unable to practice  
19 because of the reasons set forth in this Section, the  
20 Department may require that individual to submit to care,  
21 counseling, or treatment by physicians approved or designated  
22 by the Department, as a condition, term, or restriction for  
23 continued, reinstated, or renewed licensure to practice or, in  
24 lieu of care, counseling, or treatment, the Department may file  
25 a complaint to immediately suspend, revoke, or otherwise  
26 discipline the license of the individual.

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

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

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

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

23 Section 740. The Funeral Directors and Embalmers Licensing  
24 Code is amended by changing Section 15-75 as follows:

1 (225 ILCS 41/15-75)

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

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

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

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

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

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

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

24 (5) Failing to display a license as required by this  
25 Code.

26 (6) Giving false information or making a false oath or



1 affidavit required by this Code.

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

9 (1) Fraud or any misrepresentation in applying for or  
10 procuring a license under this Code or in connection with  
11 applying for renewal of a license under this Code.

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

23 (3) Violation of the laws of this State relating to the  
24 funeral, burial or disposition of deceased human bodies or  
25 of the rules and regulations of the Department, or the  
26 Department of Public Health.

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

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

8 (6) (Blank).

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

15 (8) Refusing, without cause, to surrender the custody  
16 of a deceased human body upon the proper request of the  
17 person or persons lawfully entitled to the custody of the  
18 body.

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

21 (10) Engaging in funeral directing and embalming or  
22 funeral directing without a license.

23 (11) Encouraging, requesting, or suggesting by a  
24 licensee or some person working on his behalf and with his  
25 consent for compensation that a person utilize the services  
26 of a certain funeral director and embalmer, funeral

1 director, or funeral establishment unless that information  
2 has been expressly requested by the person. This does not  
3 prohibit general advertising or pre-need solicitation.

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

9 (13) (Blank).

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

20 (15) Making a false statement on a Certificate of Death  
21 where the person making the statement knew or should have  
22 known that the statement was false.

23 (16) Soliciting human bodies after death or while death  
24 is imminent.

25 (17) Performing any act or practice that is a violation  
26 of this Code, the rules for the administration of this

1 Code, or any federal, State or local laws, rules, or  
2 regulations governing the practice of funeral directing or  
3 embalming.

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

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

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

16 (21) Advertising in a false or misleading manner or  
17 advertising using the name of an unlicensed person in  
18 connection with any service being rendered in the practice  
19 of funeral directing or funeral directing and embalming.  
20 The use of any name of an unlicensed or unregistered person  
21 in an advertisement so as to imply that the person will  
22 perform services is considered misleading advertising.  
23 Nothing in this paragraph shall prevent including the name  
24 of any owner, officer or corporate director of a funeral  
25 home, who is not a licensee, in any advertisement used by a  
26 funeral home with which the individual is affiliated, if

1 the advertisement specifies the individual's affiliation  
2 with the funeral home.

3 (22) Charging for professional services not rendered,  
4 including filing false statements for the collection of  
5 fees for which services are not rendered.

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

9 (24) Treating any person differently to his detriment  
10 because of race, color, creed, gender, religion, or  
11 national origin.

12 (25) Knowingly making any false statements, oral or  
13 otherwise, of a character likely to influence, persuade or  
14 induce others in the course of performing professional  
15 services or activities.

16 (26) Willfully making or filing false records or  
17 reports in the practice of funeral directing and embalming,  
18 including, but not limited to, false records filed with  
19 State agencies or departments.

20 (27) Failing to acquire continuing education required  
21 under this Code.

22 (28) (Blank).

23 (29) Aiding or assisting another person in violating  
24 any provision of this Code or rules adopted pursuant to  
25 this Code.

26 (30) Failing within 10 days, to provide information in

1 response to a written request made by the Department.

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

7 (32) (Blank).

8 (33) Mental illness or disability which results in the  
9 inability to practice the profession with reasonable  
10 judgment, skill, or safety.

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

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

18 (36) Failing to comply with any of the following  
19 required activities:

20 (A) When reasonably possible, a funeral director  
21 licensee or funeral director and embalmer licensee or  
22 anyone acting on his or her behalf shall obtain the  
23 express authorization of the person or persons  
24 responsible for making the funeral arrangements for a  
25 deceased human body prior to removing a body from the  
26 place of death or any place it may be or embalming or

1 attempting to embalm a deceased human body, unless  
2 required by State or local law. This requirement is  
3 waived whenever removal or embalming is directed by  
4 local authorities who have jurisdiction. If the  
5 responsibility for the handling of the remains  
6 lawfully falls under the jurisdiction of a public  
7 agency, then the regulations of the public agency shall  
8 prevail.

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

19 (C) At the time funeral arrangements are made and  
20 prior to rendering the funeral services, a licensee  
21 shall furnish a written statement of services to be  
22 retained by the person or persons making the funeral  
23 arrangements, signed by both parties, that shall  
24 contain: (i) the name, address and telephone number of  
25 the funeral establishment and the date on which the  
26 arrangements were made; (ii) the price of the service

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

15 (D) In all instances where the place of final  
16 disposition of a deceased human body or the cremated  
17 remains of a deceased human body is a cemetery, the  
18 licensed funeral director and embalmer, or licensed  
19 funeral director, who has been engaged to provide  
20 funeral or embalming services shall remain at the  
21 cemetery and personally witness the placement of the  
22 human remains in their designated grave or the sealing  
23 of the above ground depository, crypt, or urn. The  
24 licensed funeral director or licensed funeral director  
25 and embalmer may designate a licensed funeral director  
26 and embalmer intern or representative of the funeral



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

17 (E) A funeral director or funeral director and  
18 embalmer shall fully complete the portion of the  
19 Certificate of Death under the responsibility of the  
20 funeral director or funeral director and embalmer and  
21 provide all required information. In the event that any  
22 reported information subsequently changes or proves  
23 incorrect, a funeral director or funeral director and  
24 embalmer shall immediately upon learning the correct  
25 information correct the Certificate of Death.

26 (37) A finding by the Department that the licensee,

1 after having his or her license placed on probationary  
2 status or subjected to conditions or restrictions,  
3 violated the terms of the probation or failed to comply  
4 with such terms or conditions.

5 (38) (Blank).

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

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

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

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

21 (c) The Department may refuse to issue or renew or may  
22 suspend without a hearing, as provided for in the Department of  
23 Professional Regulation Law of the Civil Administrative Code of  
24 Illinois, the license of any person who fails to file a return,  
25 to pay the tax, penalty or interest shown in a filed return, or  
26 to pay any final assessment of tax, penalty or interest as

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

6 (d) No action may be taken under this Code against a person  
7 licensed under this Code unless the action is commenced within  
8 5 years after the occurrence of the alleged violations. A  
9 continuing violation shall be deemed to have occurred on the  
10 date when the circumstances last existed that give rise to the  
11 alleged violation.

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

22 (f) All fines imposed under this Section shall be paid 60  
23 days after the effective date of the order imposing the fine.

24 (g) (Blank). ~~The Department shall deny a license or renewal~~  
25 ~~authorized by this Code to a person who has defaulted on an~~  
26 ~~educational loan or scholarship provided or guaranteed by the~~

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

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

17 (i) A person not licensed under this Code who is an owner  
18 of a funeral establishment or funeral business shall not aid,  
19 abet, assist, procure, advise, employ, or contract with any  
20 unlicensed person to offer funeral services or aid, abet,  
21 assist, or direct any licensed person contrary to or in  
22 violation of any rules or provisions of this Code. A person  
23 violating this subsection shall be treated as a licensee for  
24 the purposes of disciplinary action under this Section and  
25 shall be subject to cease and desist orders as provided in this  
26 Code, the imposition of a fine up to \$10,000 for each violation

1 and any other penalty provided by law.

2 (j) 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, as amended, operates as an automatic suspension. The  
6 suspension may end only upon a finding by a court that the  
7 licensee is no longer subject to the involuntary admission or  
8 judicial admission and issues an order so finding and  
9 discharging the licensee, and upon the recommendation of the  
10 Board to the Secretary that the licensee be allowed to resume  
11 his or her practice.

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

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

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

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

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

13 Section 745. The Marriage and Family Therapy Licensing Act  
14 is amended by changing Section 85 as follows:

15 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

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

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

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

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

3           (2) Violation of any provision of this Act or its  
4 rules.

5           (3) Conviction of or entry of a plea of guilty or nolo  
6 contendere, finding of guilt, jury verdict, or entry of  
7 judgment or sentencing, 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 that is  
11 (i) a felony or (ii) a misdemeanor, an essential element of  
12 which is dishonesty or that is directly related to the  
13 practice of the profession.

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

18           (5) Professional incompetence.

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

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

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

24           (9) Engaging in dishonorable, unethical, or  
25 unprofessional conduct of a character likely to deceive,  
26 defraud or harm the public as defined by the rules of the



1 Department, or violating the rules of professional conduct  
2 adopted by the Department.

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

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

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

25 (13) A finding by the Department that the licensee,  
26 after having his or her license placed on probationary

1 status, has violated the terms of probation or failed to  
2 comply with the terms.

3 (14) Abandonment of a patient without cause.

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

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

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

17 (18) Physical illness or mental illness or impairment,  
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 using  
23 false or misleading advertising.

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

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

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

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

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

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

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

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

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

2 (c) 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. The suspension will  
6 terminate only upon a finding by a court that the patient is no  
7 longer subject to involuntary admission or judicial admission  
8 and the issuance of an order so finding and discharging the  
9 patient, and upon the recommendation of the Board to the  
10 Secretary that the licensee be allowed to resume his or her  
11 practice as a licensed marriage and family therapist or an  
12 associate licensed marriage and family therapist.

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

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

26 The Department shall specifically designate the examining

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

18 The Department may order the examining physician or any  
19 member of the multidisciplinary team to provide to the  
20 Department any and all records, including business records,  
21 that relate to the examination and evaluation, including any  
22 supplemental testing performed.

23 The Department or Board may order the examining physician  
24 or any member of the multidisciplinary team to present  
25 testimony concerning the mental or physical examination of the  
26 licensee or applicant. No information, report, record, or other

1 documents in any way related to the examination shall be  
2 excluded by reason of any common law or statutory privilege  
3 relating to communications between the licensee or applicant  
4 and the examining physician or any member of the  
5 multidisciplinary team. No authorization is necessary from the  
6 licensee or applicant ordered to undergo an examination for the  
7 examining physician or any member of the multidisciplinary team  
8 to provide information, reports, records, or other documents or  
9 to provide any testimony regarding the examination and  
10 evaluation.

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

16 Failure of an individual to submit to a mental or physical  
17 examination, when ordered, shall result in an automatic  
18 suspension of his or her license until the individual submits  
19 to the examination.

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

1 Department may file, or the Board may recommend to the  
2 Department to file, a complaint to immediately suspend, revoke,  
3 or otherwise discipline the license of the individual. An  
4 individual whose license was granted, continued, reinstated,  
5 renewed, disciplined or supervised subject to such terms,  
6 conditions, or restrictions, and who fails to comply with such  
7 terms, conditions, or restrictions, shall be referred to the  
8 Secretary for a determination as to whether the individual  
9 shall have his or her license suspended immediately, pending a  
10 hearing by the Department.

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 30 days after  
14 the suspension and completed without appreciable delay. The  
15 Department and Board shall have the authority to review the  
16 subject individual's record of treatment and counseling  
17 regarding the impairment to the extent permitted by applicable  
18 federal statutes and regulations safeguarding the  
19 confidentiality of 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 or Board that he or she can resume practice in  
23 compliance with acceptable and prevailing standards under the  
24 provisions of his or her license.

25 (f) A fine shall be paid within 60 days after the effective  
26 date of the order imposing the fine or in accordance with the

1 terms set forth in the order imposing the fine.

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

3 Section 750. The Massage Licensing Act is amended by  
4 changing Section 45 as follows:

5 (225 ILCS 57/45)

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

7 Sec. 45. Grounds for discipline.

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

14 (1) violations of this Act or of the rules adopted  
15 under this Act;

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



1 (3) professional incompetence;

2 (4) advertising in a false, deceptive, or misleading  
3 manner;

4 (5) aiding, abetting, assisting, procuring, advising,  
5 employing, or contracting with any unlicensed person to  
6 practice massage contrary to any rules or provisions of  
7 this Act;

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

11 (7) engaging in dishonorable, unethical, or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud, or harm the public;

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

18 (9) knowingly delegating professional responsibilities  
19 to a person unqualified by training, experience, or  
20 licensure to perform;

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

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

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

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

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

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

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

19           (17) fraud or misrepresentation in applying for or  
20 procuring a license under this Act or in connection with  
21 applying for renewal of a license under this Act;

22           (18) inability to practice the profession with  
23 reasonable judgment, skill, or safety as a result of  
24 physical illness, including, but not limited to,  
25 deterioration through the aging process, loss of motor  
26 skill, or a mental illness or disability;

1           (19) charging for professional services not rendered,  
2           including filing false statements for the collection of  
3           fees for which services are not rendered;

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

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

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

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

19          (c) The Department shall revoke any license issued under  
20          this Act of any person who is convicted of prostitution, rape,  
21          sexual misconduct, or any crime that subjects the licensee to  
22          compliance with the requirements of the Sex Offender  
23          Registration Act and any such conviction shall operate as a  
24          permanent bar in the State of Illinois to practice as a massage  
25          therapist.

26          (d) The Department may refuse to issue or may suspend the

1 license of any person who fails to file a tax return, to pay  
2 the tax, penalty, or interest shown in a filed tax 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 the tax Act  
6 are satisfied in accordance with subsection (g) of Section  
7 2105-15 of the Civil Administrative Code of Illinois.

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

15 (f) In cases where the Department of Healthcare and Family  
16 Services has previously determined that 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 Civil  
25 Administrative Code of Illinois.

26 (g) The determination by a circuit court that a licensee is

1 subject to involuntary admission or judicial admission, as  
2 provided in the Mental Health and Developmental Disabilities  
3 Code, operates as an automatic suspension. The suspension will  
4 end only upon a finding by a court that the patient is no  
5 longer subject to involuntary admission or judicial admission  
6 and the issuance of a court order so finding and discharging  
7 the patient.

8 (h) In enforcing this Act, the Department or Board, upon a  
9 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. The examination  
23 shall be performed by a physician licensed to practice medicine  
24 in all its branches. Failure of an individual to submit to a  
25 mental or physical examination, when directed, shall result in  
26 an automatic suspension without hearing.

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

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

1 federal statutes and regulations safeguarding the  
2 confidentiality of medical records.

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

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

9 Section 755. The Naprapathic Practice Act is amended by  
10 changing Section 110 as follows:

11 (225 ILCS 63/110)

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

13 Sec. 110. Grounds for disciplinary action; refusal,  
14 revocation, suspension.

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

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

23 (2) Material misstatement in furnishing information to  
24 the Department.

1           (3) 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: (i) that  
7 is a felony or (ii) that is a misdemeanor, an essential  
8 element of which is dishonesty, or that is directly related  
9 to the practice of the profession.

10           (4) 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           (5) Professional incompetence or gross negligence.

14           (6) Malpractice.

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

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

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

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

26           (11) Discipline by another U.S. jurisdiction or



1 foreign nation if at least one of the grounds for the  
2 discipline is the same or substantially equivalent to those  
3 set forth in this Act.

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

24 (13) Using the title "Doctor" or its abbreviation  
25 without further clarifying that title or abbreviation with  
26 the word "naprapath" or "naprapathy" or the designation

1 "D.N."

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

5 (15) Abandonment of a patient without cause.

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

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

13 (18) Physical or mental 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 (19) Solicitation of professional services by means  
19 other than permitted advertising.

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

22 (21) Cheating on or attempting to subvert the licensing  
23 examination administered under this Act.

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

26 (23) (Blank).

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

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

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

13          (27) Maintaining a professional relationship with any  
14 person, firm, or corporation when the naprapath knows, or  
15 should know, that the person, firm, or corporation is  
16 violating this Act.

17          (28) Promotion of the sale of food supplements,  
18 devices, appliances, or goods provided for a client or  
19 patient in such manner as to exploit the patient or client  
20 for financial gain of the licensee.

21          (29) Having treated ailments of human beings other than  
22 by the practice of naprapathy as defined in this Act, or  
23 having treated ailments of human beings as a licensed  
24 naprapath independent of a documented referral or  
25 documented current and relevant diagnosis from a  
26 physician, dentist, or podiatric physician, or having

1 failed to notify the physician, dentist, or podiatric  
2 physician who established a documented current and  
3 relevant diagnosis that the patient is receiving  
4 naprapathic treatment pursuant to that diagnosis.

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

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

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

22 (33) Failure to provide satisfactory proof of having  
23 participated in approved continuing education programs as  
24 determined by and approved by the Secretary. Exceptions for  
25 extreme hardships are to be defined by the rules of the  
26 Department.

1 (34) (Blank).

2 (35) Gross or willful overcharging for professional  
3 services.

4 (36) (Blank).

5 All fines imposed under this Section shall be paid within  
6 60 days after the effective date of the order imposing the  
7 fine.

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

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

26 (d) In cases where the Department of Healthcare and Family

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

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

20 (f) In enforcing this Act, the Department, upon a showing  
21 of a possible violation, may compel an individual licensed to  
22 practice under this Act, or who has applied for licensure under  
23 this Act, to submit to a mental or physical examination and  
24 evaluation, or both, which may include a substance abuse or  
25 sexual offender evaluation, as required by and at the expense  
26 of the Department. The Department shall specifically designate

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

18 The Department may order the examining physician or any  
19 member of the multidisciplinary team to provide to the  
20 Department any and all records including business records that  
21 relate to the examination and evaluation, including any  
22 supplemental testing performed. The Department may order the  
23 examining physician or any member of the multidisciplinary team  
24 to present testimony concerning the examination and evaluation  
25 of the licensee or applicant, including testimony concerning  
26 any supplemental testing or documents in any way related to the

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

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



1 practice. Submission to care, counseling, or treatment as  
2 required by the Department shall not be considered discipline  
3 of a license. If the licensee refuses to enter into a care,  
4 counseling, or treatment agreement or fails to abide by the  
5 terms of the agreement, the Department may file a complaint to  
6 revoke, suspend, or otherwise discipline the license of the  
7 individual. The Secretary may order the license suspended  
8 immediately, pending a hearing by the Department. Fines shall  
9 not be assessed in disciplinary actions involving physical or  
10 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. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;  
26 98-463, eff. 8-16-13.)

1 Section 760. The Illinois Occupational Therapy Practice  
2 Act is amended by changing Section 19 as follows:

3 (225 ILCS 75/19) (from Ch. 111, par. 3719)

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

5 Sec. 19. Grounds for discipline.

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

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

15 (2) Violations of this Act, or of the rules promulgated  
16 thereunder;

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

1 practice of the profession;

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

5 (5) Professional incompetence;

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

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

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

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

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

23 (11) 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 professional services not actually or personally

1 rendered. Nothing in this paragraph (11) affects any bona  
2 fide independent contractor or employment arrangements  
3 among health care professionals, health facilities, health  
4 care providers, or other entities, except as otherwise  
5 prohibited by law. Any employment arrangements may include  
6 provisions for compensation, health insurance, pension, or  
7 other employment benefits for the provision of services  
8 within the scope of the licensee's practice under this Act.  
9 Nothing in this paragraph (11) shall be construed to  
10 require an employment arrangement to receive professional  
11 fees for services rendered;

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

15 (13) Wilfully making or filing false records or reports  
16 in the practice of occupational therapy, including but not  
17 limited to false records filed with the State agencies or  
18 departments;

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

23 (15) Solicitation of professional services other than  
24 by permitted advertising;

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

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

3           (18) Professional incompetence or gross negligence;

4           (19) Malpractice;

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

8           (21) Gross, willful, or continued overcharging for  
9 professional services;

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

13           (23) Violating the Health Care Worker Self-Referral  
14 Act;

15           (24) Having treated patients other than by the practice  
16 of occupational therapy as defined in this Act, or having  
17 treated patients as a licensed occupational therapist  
18 independent of a referral from a physician, advanced  
19 practice registered nurse or physician assistant in  
20 accordance with Section 3.1, dentist, podiatric physician,  
21 or optometrist, or having failed to notify the physician,  
22 advanced practice registered nurse, physician assistant,  
23 dentist, podiatric physician, or optometrist who  
24 established a diagnosis that the patient is receiving  
25 occupational therapy pursuant to that diagnosis;

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

1 examination administered under this Act; and

2 (26) Charging for professional services not rendered,  
3 including filing false statements for the collection of  
4 fees for which services are not rendered.

5 All fines imposed under this Section shall be paid within  
6 60 days after the effective date of the order imposing the fine  
7 or in accordance with the terms set forth in the order imposing  
8 the fine.

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

22 (c) The Department may refuse to issue or may suspend  
23 without hearing, as provided for in the Code of Civil  
24 Procedure, the license of any person who fails to file a  
25 return, to pay the tax, penalty, or interest shown in a filed  
26 return, or to pay any final assessment of tax, penalty, or

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

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

1 supplemental testing deemed necessary to complete any  
2 examination or evaluation process, including, but not limited  
3 to, blood testing, urinalysis, psychological testing, or  
4 neuropsychological testing.

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



1 aspects of the examination.

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

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

19 Individuals licensed under this Act that are affected under  
20 this Section, shall be afforded an opportunity to demonstrate  
21 to the Department that they can resume practice in compliance  
22 with acceptable and prevailing standards under the provisions  
23 of their license.

24 (e) (Blank). ~~The Department shall deny a license or renewal~~  
25 ~~authorized by this Act to a person who has defaulted on an~~  
26 ~~educational loan or scholarship provided or guaranteed by the~~

1 ~~Illinois Student Assistance Commission or any governmental~~  
2 ~~agency of this State in accordance with paragraph (5) of~~  
3 ~~subsection (a) of Section 2105-15 of the Department of~~  
4 ~~Professional Regulation Law of the Civil Administrative Code of~~  
5 ~~Illinois.~~

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

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

19 Section 765. The Orthotics, Prosthetics, and Pedorthics  
20 Practice Act is amended by changing Section 90 as follows:

21 (225 ILCS 84/90)

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

23 Sec. 90. Grounds for discipline.

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

1 or may revoke or suspend a license, or may suspend, place on  
2 probation, or reprimand a licensee or take other disciplinary  
3 or non-disciplinary action as the Department may deem proper,  
4 including, but not limited to, the imposition of fines not to  
5 exceed \$10,000 for each violation for one or any combination of  
6 the following:

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

9 (2) Violations of or negligent or intentional  
10 disregard of this Act or its rules.

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

17 (4) Making a misrepresentation for the purpose of  
18 obtaining a license.

19 (5) A pattern of practice or other behavior that  
20 demonstrates incapacity or incompetence to practice under  
21 this Act.

22 (6) Gross negligence under this Act.

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

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

1           (9) Engaging in dishonorable, unethical, or  
2 unprofessional conduct or conduct of a character likely to  
3 deceive, defraud, or harm the public.

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

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

13           (12) Directly or indirectly giving to or receiving from  
14 a person, firm, corporation, partnership, or association a  
15 fee, commission, rebate, or other form of compensation for  
16 professional services not actually or personally rendered.  
17 Nothing in this paragraph (12) affects any bona fide  
18 independent contractor or employment arrangements among  
19 health care professionals, health facilities, health care  
20 providers, or other entities, except as otherwise  
21 prohibited by law. Any employment arrangements may include  
22 provisions for compensation, health insurance, pension, or  
23 other employment benefits for the provision of services  
24 within 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) A finding by the Board that the licensee or  
3 registrant, after having his or her license placed on  
4 probationary status, has violated the terms of probation.

5 (14) Abandonment of a patient or client.

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

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

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

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

19 (b) In enforcing this Section, the Department or Board upon  
20 a showing of a possible violation, may compel a licensee or  
21 applicant to submit to a mental or physical examination, or  
22 both, as required by and at the expense of the Department. The  
23 Department or Board may order the examining physician to  
24 present testimony concerning the mental or physical  
25 examination of the licensee or applicant. No information shall  
26 be excluded by reason of any common law or statutory privilege

1 relating to communications between the licensee or applicant  
2 and the examining physician. The examining physicians shall be  
3 specifically designated by the Board or Department. The  
4 individual to be examined may have, at his or her own expense,  
5 another physician of his or her choice present during all  
6 aspects of this examination. Failure of an individual to submit  
7 to a mental or physical examination, when directed, shall be  
8 grounds for the immediate suspension of his or her license  
9 until the individual submits to the examination if the  
10 Department finds that the refusal to submit to the examination  
11 was without reasonable cause as defined by rule.

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

18 In instances in which the Secretary otherwise suspends a  
19 person's license pursuant to the results of a compelled mental  
20 or physical examination, a hearing on that person's license  
21 must be convened by the Department within 15 days after the  
22 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 (c) (Blank). ~~The Department shall deny a license or renewal~~  
8 ~~authorized by this Act to a person who has defaulted on an~~  
9 ~~educational loan or scholarship provided or guaranteed by the~~  
10 ~~Illinois Student Assistance Commission or any governmental~~  
11 ~~agency of this State in accordance with subsection (a) (5) 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 (d) In cases where the Department of Healthcare and Family  
16 Services (formerly Department of Public Aid) has previously  
17 determined that a licensee or a potential licensee is more than  
18 30 days delinquent in the payment of child support and has  
19 subsequently certified the delinquency to the Department, the  
20 Department may refuse to issue or renew or may revoke or  
21 suspend that person's license or may take other disciplinary  
22 action against that person based solely upon the certification  
23 of delinquency made by the Department of Healthcare and Family  
24 Services in accordance with subsection (a) (5) of Section  
25 2105-15 of the Department of Professional Regulation Law of the  
26 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

1 (e) The Department may refuse to issue or renew a license,  
2 or may revoke or suspend a license, for failure 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 Department of Revenue, until such time as the requirements of  
7 the tax Act are satisfied in accordance with subsection (g) of  
8 Section 2105-15 of the Department of Professional Regulation  
9 Law of the Civil Administrative Code of Illinois (20 ILCS  
10 2105/2105-15).

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

12 Section 770. The Professional Counselor and Clinical  
13 Professional Counselor Licensing and Practice Act is amended by  
14 changing Section 80 as follows:

15 (225 ILCS 107/80)

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

17 Sec. 80. Grounds for discipline.

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

24 (1) Material misstatement in furnishing information to



1 the Department or to any other State agency.

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

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

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

16 (5) Professional incompetence or gross negligence in  
17 the rendering of professional counseling or clinical  
18 professional counseling services.

19 (6) Malpractice.

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

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

24 (9) Engaging in dishonorable, unethical, or  
25 unprofessional conduct of a character likely to deceive,  
26 defraud, or harm the public and violating the rules of

1 professional conduct adopted by the Department.

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

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

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 service not actually rendered.  
15 Nothing in this paragraph (12) affects any bona fide  
16 independent contractor or employment arrangements among  
17 health care professionals, health facilities, health care  
18 providers, or other entities, except as otherwise  
19 prohibited by law. Any employment arrangements may include  
20 provisions for compensation, health insurance, pension, or  
21 other employment benefits for the provision of services  
22 within the scope of the licensee's practice under this Act.  
23 Nothing in this paragraph (12) shall be construed to  
24 require an employment arrangement to receive professional  
25 fees for services rendered.

26 (13) A finding by the Board that the licensee, after

1 having the license placed on probationary status, has  
2 violated the terms of probation.

3 (14) Abandonment of a client.

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

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

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

21 (18) Physical or mental illness or disability,  
22 including, but not limited to, deterioration through the  
23 aging process or loss of abilities and skills which results  
24 in the 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) Allowing one's license under this Act to be used  
3 by an unlicensed person in violation of this Act.

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

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

8 (23) Gross and willful overcharging for professional  
9 services including filing statements for collection of  
10 fees or monies for which services are not rendered.

11 (24) Rendering professional counseling or clinical  
12 professional counseling services without a license or  
13 practicing outside the scope of a license.

14 (25) Clinical supervisors failing to adequately and  
15 responsibly monitor supervisees.

16 All fines imposed under this Section shall be paid within  
17 60 days after the effective date of the order imposing the  
18 fine.

19 (b) (Blank). ~~The Department shall deny, without hearing,~~  
20 ~~any application or renewal for a license under this Act to any~~  
21 ~~person who has defaulted on an educational loan guaranteed by~~  
22 ~~the Illinois Student Assistance Commission or any governmental~~  
23 ~~agency of this State in accordance with item (5) of subsection~~  
24 ~~(a) of Section 2105-15 of the Department of Professional~~  
25 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

26 (b-5) 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, pay the tax, penalty, or interest shown in a filed  
4 return, or pay any final assessment of the 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 (g) of Section 2105-15 of the Department of  
9 Professional Regulation Law of the Civil Administrative Code of  
10 Illinois.

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

23 (c) The determination by a court that a licensee is subject  
24 to involuntary admission or judicial admission as provided in  
25 the Mental Health and Developmental Disabilities Code will  
26 result in an automatic suspension of his or her license. The

1 suspension will end upon a finding by a court that the licensee  
2 is no longer subject to involuntary admission or judicial  
3 admission, the issuance of an order so finding and discharging  
4 the patient, and the recommendation of the Board to the  
5 Secretary that the licensee be allowed to resume professional  
6 practice.

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

26 A person holding a license under this Act or who has

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

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 15 days after  
22 the suspension and completed without appreciable delay. The  
23 Department shall have the authority to review the subject  
24 individual's record of treatment and counseling regarding the  
25 impairment to the extent permitted by applicable federal  
26 statutes and regulations safeguarding the confidentiality of

1 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 that he or she can resume practice in compliance  
5 with acceptable and prevailing standards under the provisions  
6 of his or her license.

7 (d) (Blank).

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

9 Section 775. The Sex Offender Evaluation and Treatment  
10 Provider Act is amended by changing Section 75 as follows:

11 (225 ILCS 109/75)

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

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

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

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

23 (3) conviction by plea of guilty or nolo contendere,  
24 finding of guilt, jury verdict, or entry of judgment or by



1 sentencing for any crime, including, but not limited to,  
2 convictions, preceding sentences of supervision,  
3 conditional discharge, or first offender probation, under  
4 the laws of any jurisdiction of the United States: (i) that  
5 is a felony; or (ii) that is a misdemeanor, an essential  
6 element of which is dishonesty, or that is directly related  
7 to the practice of the profession;

8 (4) professional incompetence;

9 (5) advertising in a false, deceptive, or misleading  
10 manner;

11 (6) aiding, abetting, assisting, procuring, advising,  
12 employing, or contracting with any unlicensed person to  
13 provide sex offender evaluation or treatment services  
14 contrary to any rules or provisions of this Act;

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

18 (8) engaging in dishonorable, unethical, or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud, or harm the public;

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

25 (10) knowingly delegating professional  
26 responsibilities to a person unqualified by training,

1 experience, or licensure to perform;

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

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

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

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

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

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

21 (17) making a material misstatement in furnishing  
22 information to the Department or otherwise making  
23 misleading, deceptive, untrue, or fraudulent  
24 representations in violation of this Act or otherwise in  
25 the practice of the profession;

26 (18) fraud or misrepresentation in applying for or

1           procuring a license under this Act or in connection with  
2           applying for renewal of a license under this Act;

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

8           (20) charging for professional services not rendered,  
9           including filing false statements for the collection of  
10          fees for which services are not rendered; or

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

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

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

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

15 (e) 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, operates as an automatic suspension. The suspension will  
19 end only upon a finding by a court that the patient is no  
20 longer subject to involuntary admission or judicial admission  
21 and the issuance of a court order so finding and discharging  
22 the patient.

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

16 A person holding a license under this Act or who has  
17 applied for a license under this Act who, because of a physical  
18 or mental illness or disability, including, but not limited to,  
19 deterioration through the aging process or loss of motor skill,  
20 is unable to practice the profession with reasonable judgment,  
21 skill, or safety, may be required by the Department to submit  
22 to care, counseling, or treatment by physicians approved or  
23 designated by the Department as a condition, term, or  
24 restriction for continued, reinstated, or renewed licensure to  
25 practice. Submission to care, counseling, or treatment as  
26 required by the Department shall not be considered discipline

1 of a license. If the licensee refuses to enter into a care,  
2 counseling, or treatment agreement or fails to abide by the  
3 terms of the agreement, the Department may file a complaint to  
4 revoke, suspend, or otherwise discipline the license of the  
5 individual. The Secretary may order the license suspended  
6 immediately, pending a hearing by the Department. Fines shall  
7 not be assessed in disciplinary actions involving physical or  
8 mental illness or impairment.

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

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

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

24 Section 780. The Illinois Speech-Language Pathology and  
25 Audiology Practice Act is amended by changing Section 16 as

1 follows:

2 (225 ILCS 110/16) (from Ch. 111, par. 7916)

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

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

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

11 (a) Fraud in procuring the license.

12 (b) (Blank).

13 (c) Willful or repeated violations of the rules of the  
14 Department of Public Health.

15 (d) Division of fees or agreeing to split or divide the  
16 fees received for speech-language pathology or audiology  
17 services with any person for referring an individual, or  
18 assisting in the care or treatment of an individual,  
19 without the knowledge of the individual or his or her legal  
20 representative. Nothing in this paragraph (d) affects any  
21 bona fide independent contractor or employment  
22 arrangements among health care professionals, health  
23 facilities, health care providers, or other entities,  
24 except as otherwise prohibited by law. Any employment  
25 arrangements may include provisions for compensation,

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

7 (e) Employing, procuring, inducing, aiding or abetting  
8 a person not licensed as a speech-language pathologist or  
9 audiologist to engage in the unauthorized practice of  
10 speech-language pathology or audiology.

11 (e-5) Employing, procuring, inducing, aiding, or  
12 abetting a person not licensed as a speech-language  
13 pathology assistant to perform the functions and duties of  
14 a speech-language pathology assistant.

15 (f) Making any misrepresentations or false promises,  
16 directly or indirectly, to influence, persuade or induce  
17 patronage.

18 (g) Professional connection or association with, or  
19 lending his or her name to another for the illegal practice  
20 of speech-language pathology or audiology by another, or  
21 professional connection or association with any person,  
22 firm or corporation holding itself out in any manner  
23 contrary to this Act.

24 (h) Obtaining or seeking to obtain checks, money, or  
25 any other things of value by false or fraudulent  
26 representations, including but not limited to, engaging in



1 such fraudulent practice to defraud the medical assistance  
2 program of the Department of Healthcare and Family Services  
3 (formerly Department of Public Aid).

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

5 (j) Improper, unprofessional or dishonorable conduct  
6 of a character likely to deceive, defraud or harm the  
7 public.

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

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

19 (m) A violation of any provision of this Act or rules  
20 promulgated thereunder.

21 (n) Discipline by another state, the District of  
22 Columbia, territory, or foreign nation of a license to  
23 practice speech-language pathology or audiology or a  
24 license to practice as a speech-language pathology  
25 assistant in its jurisdiction if at least one of the  
26 grounds for that discipline is the same as or the

1 equivalent of one of the grounds for discipline set forth  
2 herein.

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

6 (p) Gross or repeated malpractice.

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

14 (r) Professional incompetence as manifested by poor  
15 standards of care or mental incompetence as declared by a  
16 court of competent jurisdiction.

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

20 (i) reporting excessive charges for the purpose of  
21 obtaining a total payment in excess of that usually  
22 received by the speech-language pathologist,  
23 speech-language pathology assistant, or audiologist  
24 for the services rendered;

25 (ii) reporting charges for services not rendered;

26 or

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

3 (t) (Blank).

4 (u) Violation of the Health Care Worker Self-Referral  
5 Act.

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

13 (w) Violation of the Hearing Instrument Consumer  
14 Protection Act.

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

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

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

26 (aa) Being named as a perpetrator in an indicated

1 report by the Department on Aging under the Adult  
2 Protective Services Act, and upon proof by clear and  
3 convincing evidence that the licensee has caused an  
4 eligible adult to be abused, neglected, or financially  
5 exploited as defined in the Adult Protective Services Act.

6 (bb) Violating Section 8.2 of this Act.

7 (cc) Violating Section 8.3 of this Act.

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

15 (3) The entry of an order by a circuit court establishing  
16 that any person holding a license under this Act is subject to  
17 involuntary admission or judicial admission as provided for in  
18 the Mental Health and Developmental Disabilities Code,  
19 operates as an automatic suspension of that license. That  
20 person may have his or her license restored only upon the  
21 determination by a circuit court that the patient is no longer  
22 subject to involuntary admission or judicial admission and the  
23 issuance of an order so finding and discharging the patient,  
24 and upon the Board's recommendation to the Department that the  
25 license be restored. Where the circumstances so indicate, the  
26 Board may recommend to the Department that it require an

1 examination prior to restoring any license automatically  
2 suspended under this subsection.

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

10 (5) In enforcing this Section, the Board upon a showing of  
11 a possible violation may compel an individual licensed to  
12 practice under this Act, or who has applied for licensure  
13 pursuant to this Act, to submit to a mental or physical  
14 examination, or both, as required by and at the expense of the  
15 Department. The examining physicians or clinical psychologists  
16 shall be those specifically designated by the Board. The  
17 individual to be examined may have, at his or her own expense,  
18 another physician or clinical psychologist of his or her choice  
19 present during all aspects of this examination. Failure of any  
20 individual to submit to a mental or physical examination, when  
21 directed, shall be grounds for suspension of his or her license  
22 until the individual submits to the examination if the Board  
23 finds, after notice and hearing, that the refusal to submit to  
24 the examination was without reasonable cause.

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

1 that individual to submit to care, counseling, or treatment by  
2 physicians or clinical psychologists approved or designated by  
3 the Board, as a condition, term, or restriction for continued,  
4 restored, or renewed licensure to practice; or, in lieu of  
5 care, counseling, or treatment, 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. Any  
8 individual whose license was granted, continued, restored,  
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 Board.

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 Board within 15 days after the  
18 suspension and completed without appreciable delay. The Board  
19 shall have the authority to review the subject individual's  
20 record of treatment and counseling regarding the impairment to  
21 the extent permitted by applicable federal statutes and  
22 regulations safeguarding the confidentiality of medical  
23 records.

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

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

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

4 Section 785. The Veterinary Medicine and Surgery Practice  
5 Act of 2004 is amended by changing Section 25 as follows:

6 (225 ILCS 115/25) (from Ch. 111, par. 7025)

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

8 Sec. 25. Disciplinary actions.

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

17 A. Material misstatement in furnishing information to  
18 the Department.

19 B. Violations of this Act, or of the rules adopted  
20 pursuant to this Act.

21 C. 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 D. 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 E. Professional incompetence.

10 F. Malpractice.

11 G. Aiding or assisting another person in violating any  
12 provision of this Act or rules.

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

15 I. Engaging in dishonorable, unethical, or  
16 unprofessional conduct of a character likely to deceive,  
17 defraud, or harm the public.

18 J. 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 K. Discipline by another state, unit of government,  
23 government agency, District of Columbia, territory, or  
24 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           L. Charging for professional services not rendered,  
2 including filing false statements for the collection of  
3 fees for which services are not rendered.

4           M. A finding by the Board that the licensee or  
5 certificate holder, after having his license or  
6 certificate placed on probationary status, has violated  
7 the terms of probation.

8           N. Willfully making or filing false records or reports  
9 in his practice, including but not limited to false records  
10 filed with State agencies or departments.

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

15           P. Solicitation of professional services other than  
16 permitted advertising.

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

19           R. Conviction of or cash compromise of a charge or  
20 violation of the Harrison Act or the Illinois Controlled  
21 Substances Act, regulating narcotics.

22           S. Fraud or dishonesty in applying, treating, or  
23 reporting on tuberculin or other biological tests.

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

26           U. Fraudulent use or misuse of any health certificate,

1 shipping certificate, brand inspection certificate, or  
2 other blank forms used in practice that might lead to the  
3 dissemination of disease or the transportation of diseased  
4 animals dead or alive; or dilatory methods, willful  
5 neglect, or misrepresentation in the inspection of milk,  
6 meat, poultry, and the by-products thereof.

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

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

10 X. Failure to provide satisfactory proof of having  
11 participated in approved continuing education programs.

12 Y. Mental illness or disability that results in the  
13 inability to practice under this Act with reasonable  
14 judgment, skill, or safety.

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

21 AA. Promotion of the sale of drugs, devices,  
22 appliances, or goods provided for a patient in any manner  
23 to exploit the client for financial gain of the  
24 veterinarian.

25 BB. Gross, willful, or continued overcharging for  
26 professional services.

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

3 DD. Violating state or federal laws or regulations  
4 relating to controlled substances or legend drugs.

5 EE. Cheating on or attempting to subvert the licensing  
6 examination administered under this Act.

7 FF. Using, prescribing, or selling a prescription drug  
8 or the extra-label use of a prescription drug by any means  
9 in the absence of a valid veterinarian-client-patient  
10 relationship.

11 GG. Failing to report a case of suspected aggravated  
12 cruelty, torture, or animal fighting pursuant to Section  
13 3.07 or 4.01 of the Humane Care for Animals Act or Section  
14 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012.

16 All fines imposed under this Section shall be paid within  
17 60 days after the effective date of the order imposing the fine  
18 or in accordance with the terms set forth in the order imposing  
19 the fine.

20 2. The determination by a circuit court that a licensee or  
21 certificate holder is subject to involuntary admission or  
22 judicial admission as provided in the Mental Health and  
23 Developmental Disabilities Code operates as an automatic  
24 suspension. The suspension will end only upon a finding by a  
25 court that the patient is no longer subject to involuntary  
26 admission or judicial admission and issues an order so finding

1 and discharging the patient. In any case where a license is  
2 suspended under this provision, the licensee shall file a  
3 petition for restoration and shall include evidence acceptable  
4 to the Department that the licensee can resume practice in  
5 compliance with acceptable and prevailing standards of his or  
6 her profession.

7 3. All proceedings to suspend, revoke, place on  
8 probationary status, or take any other disciplinary action as  
9 the Department may deem proper, with regard to a license or  
10 certificate on any of the foregoing grounds, must be commenced  
11 within 5 years after receipt by the Department of a complaint  
12 alleging the commission of or notice of the conviction order  
13 for any of the acts described in this Section. Except for  
14 proceedings brought for violations of items (CC), (DD), or  
15 (EE), no action shall be commenced more than 5 years after the  
16 date of the incident or act alleged to have violated this  
17 Section. In the event of the settlement of any claim or cause  
18 of action in favor of the claimant or the reduction to final  
19 judgment of any civil action in favor of the plaintiff, the  
20 claim, cause of action, or civil action being grounded on the  
21 allegation that a person licensed or certified under this Act  
22 was negligent in providing care, the Department shall have an  
23 additional period of one year from the date of the settlement  
24 or final judgment in which to investigate and begin formal  
25 disciplinary proceedings under Section 25.2 of this Act, except  
26 as otherwise provided by law. The time during which the holder

1 of the license or certificate was outside the State of Illinois  
2 shall not be included within any period of time limiting the  
3 commencement of disciplinary action by the Department.

4 4. The Department may refuse to issue or may suspend  
5 without hearing, as provided for in the Illinois Code of Civil  
6 Procedure, the license of any person who fails 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 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 Civil  
13 Administrative Code of Illinois.

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

1 medicine in all of its branches, licensed chiropractic  
2 physicians, licensed clinical psychologists, licensed clinical  
3 social workers, licensed clinical professional counselors, and  
4 other professional and administrative staff. Any examining  
5 physician or member of the multidisciplinary team may require  
6 any person ordered to submit to an examination and evaluation  
7 pursuant to this Section to submit to any additional  
8 supplemental testing deemed necessary to complete any  
9 examination or evaluation process, including, but not limited  
10 to, blood testing, urinalysis, psychological testing, or  
11 neuropsychological testing.

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

1 is necessary from the registrant or applicant ordered to  
2 undergo an evaluation and examination for the examining  
3 physician or any member of the multidisciplinary team to  
4 provide information, reports, records, or other documents or to  
5 provide any testimony regarding the examination and  
6 evaluation. The individual to be examined may have, at his or  
7 her own expense, another physician of his or her choice present  
8 during all aspects of the examination.

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

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

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

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

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

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

25           Section 790. The Registered Surgical Assistant and



1 Registered Surgical Technologist Title Protection Act is  
2 amended by changing Section 75 as follows:

3 (225 ILCS 130/75)

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

5 Sec. 75. Grounds for disciplinary action.

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

14 (1) Making a material misstatement in furnishing  
15 information to the Department.

16 (2) Violating a provision of this Act or rules adopted  
17 under this Act.

18 (3) Conviction by plea of guilty or nolo contendere,  
19 finding of guilt, jury verdict, or entry of judgment or by  
20 sentencing of any crime, including, but not limited to,  
21 convictions, preceding sentences of supervision,  
22 conditional discharge, or first offender probation, under  
23 the laws of any jurisdiction of the United States that is  
24 (i) a felony or (ii) a misdemeanor, an essential element of  
25 which is dishonesty, or that is directly related to the

1 practice of the profession.

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

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

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

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

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

18 (9) Directly or indirectly giving to or receiving from  
19 a person, firm, corporation, partnership, or association a  
20 fee, commission, rebate, or other form of compensation for  
21 professional services not actually or personally rendered.  
22 Nothing in this paragraph (9) affects any bona fide  
23 independent contractor or employment arrangements among  
24 health care professionals, health facilities, health care  
25 providers, or other entities, except as otherwise  
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or  
2 other employment benefits for the provision of services  
3 within the scope of the registrant's practice under this  
4 Act. Nothing in this paragraph (9) shall be construed to  
5 require an employment arrangement to receive professional  
6 fees for services rendered.

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

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

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

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

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

24 (15) (Blank).

25 (16) Failure to report to the Department (A) any  
26 adverse final action taken against the registrant by

1 another registering or licensing jurisdiction, government  
2 agency, law enforcement agency, or any court or (B)  
3 liability for conduct that would constitute grounds for  
4 action as set forth in this Section.

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

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

14 (19) Gross malpractice.

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

19 (21) Violation of the Health Care Worker Self-Referral  
20 Act.

21 (b) The Department may refuse to issue or may suspend  
22 without hearing the registration of a person who fails to file  
23 a return, to pay the tax, penalty, or interest shown in a filed  
24 return, or to pay a final assessment of the tax, penalty, or  
25 interest as required by a tax Act administered by the  
26 Department of Revenue, until the requirements of the tax Act

1 are satisfied in accordance with subsection (g) of Section  
2 2105-15 of the Department of Regulation Law of the Civil  
3 Administrative Code of Illinois.

4 (c) The determination by a circuit court that a registrant  
5 is 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 (1) a finding by a court that the patient is no  
9 longer subject to involuntary admission or judicial admission,  
10 (2) issuance of an order so finding and discharging the  
11 patient, and (3) filing of a petition for restoration  
12 demonstrating fitness to practice.

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

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

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

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

1 to complete any examination or evaluation process, including,  
2 but not limited to, blood testing, urinalysis, psychological  
3 testing, or neuropsychological testing.

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

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

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

19 Individuals registered under this Act and affected under  
20 this Section shall be afforded an opportunity to demonstrate to  
21 the Department that they can resume practice in compliance with  
22 acceptable and prevailing standards under the provisions of  
23 their registration.

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



1 imposing the fine.

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

3 Section 795. The Genetic Counselor Licensing Act is amended  
4 by changing Section 95 as follows:

5 (225 ILCS 135/95)

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

7 Sec. 95. Grounds for discipline.

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

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

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

18 (3) Conviction by plea of guilty or nolo contendere,  
19 finding of guilt, jury verdict, or entry of judgment or  
20 sentencing, including, but not limited to, convictions,  
21 preceding sentences of supervision, conditional discharge,  
22 or first offender probation, under the laws of any  
23 jurisdiction of the United States: (i) that is a felony or  
24 (ii) that is a misdemeanor, an essential element of which

1 is dishonesty, or that is directly related to the practice  
2 of genetic counseling.

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

6 (5) Negligence in the rendering of genetic counseling  
7 services.

8 (6) Failure to provide genetic testing results and any  
9 requested information to a referring physician licensed to  
10 practice medicine in all its branches, advanced practice  
11 registered nurse, or physician assistant.

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

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

16 (9) Engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public and violating the rules of  
19 professional conduct adopted by the Department.

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

23 (10.5) Failure to maintain client records of services  
24 provided and provide copies to clients upon request.

25 (11) Exploiting a client for personal advantage,  
26 profit, or interest.

1           (12) Habitual or excessive use or addiction to alcohol,  
2           narcotics, stimulants, or any other chemical agent or drug  
3           which results in inability to practice with reasonable  
4           skill, judgment, or safety.

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

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

25          (15) A finding by the Department that the licensee,  
26          after having the license placed on probationary status has

1 violated the terms of probation.

2 (16) Failing to refer a client to other health care  
3 professionals when the licensee is unable or unwilling to  
4 adequately support or serve the client.

5 (17) Willfully filing false reports relating to a  
6 licensee's practice, including but not limited to false  
7 records filed with federal or State agencies or  
8 departments.

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

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

19 (20) Physical or mental disability, including  
20 deterioration through the aging process or loss of  
21 abilities and skills which results in the inability to  
22 practice the profession with reasonable judgment, skill,  
23 or safety.

24 (21) Solicitation of professional services by using  
25 false or misleading advertising.

26 (22) Failure to file a return, or to pay the tax,

1 penalty of interest shown in a filed return, or to pay any  
2 final assessment of tax, penalty or interest, as required  
3 by any tax Act administered by the Illinois Department of  
4 Revenue or any successor agency or the Internal Revenue  
5 Service or any successor agency.

6 (23) Fraud or making any misrepresentation in applying  
7 for or procuring a license under this Act or in connection  
8 with applying for renewal of a license under this Act.

9 (24) Practicing or attempting to practice under a name  
10 other than the full name as shown on the license or any  
11 other legally authorized name.

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

15 (26) (Blank).

16 (27) Charging for professional services not rendered,  
17 including filing false statements for the collection of  
18 fees for which services are not rendered.

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

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

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

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

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

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

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

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

10 (Source: P.A. 99-173, eff. 7-29-15; 99-633, eff. 1-1-17;  
11 100-201, eff. 8-18-17; 100-513, eff. 1-1-18.)

12 Section 800. The Illinois Architecture Practice Act of 1989  
13 is amended by changing Section 22 as follows:

14 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

16 Sec. 22. Refusal, suspension and revocation of licenses;  
17 causes.

18 (a) The Department may, singularly or in combination,  
19 refuse to issue, renew or restore, or may suspend, revoke,  
20 place on probation, or take other disciplinary or  
21 non-disciplinary action as deemed appropriate, including, but  
22 not limited to, the imposition of fines not to exceed \$10,000  
23 for each violation, as the Department may deem proper, with  
24 regard to a license for any one or combination of the following

1 causes:

2 (1) material misstatement in furnishing information to  
3 the Department;

4 (2) negligence, incompetence or misconduct in the  
5 practice of architecture;

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

8 (4) making any misrepresentation for the purpose of  
9 obtaining licensure;

10 (5) purposefully making false statements or signing  
11 false statements, certificates or affidavits to induce  
12 payment;

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

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

21 (8) signing, affixing the architect's seal or  
22 permitting the architect's seal to be affixed to any  
23 technical submission not prepared by the architect or under  
24 that architect's responsible control;

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



1 defraud or harm the public;

2 (10) habitual or excessive use or addiction to alcohol,  
3 narcotics, stimulants, or any other chemical agent or drug  
4 that results in the inability to practice with reasonable  
5 judgment, skill, or safety;

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

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

19 (13) discipline by another state, territory, foreign  
20 country, the District of Columbia, the United States  
21 government, or any other governmental agency, if at least  
22 one of the grounds for discipline is the same or  
23 substantially equivalent to those set forth herein;

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

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

8           (a-5) In enforcing this Section, the Department or Board,  
9           upon a showing of a possible violation, may order a licensee or  
10          applicant to submit to a mental or physical examination, or  
11          both, at the expense of the Department. The Department or Board  
12          may order the examining physician to present testimony  
13          concerning his or her examination of the licensee or applicant.  
14          No 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 licensee or applicant may have, at his  
19          or her own expense, another physician of his or her choice  
20          present during all aspects of the examination. Failure of a  
21          licensee or applicant to submit to any such examination when  
22          directed, without reasonable cause as defined by rule, shall be  
23          grounds for either the immediate suspension of his or her  
24          license or immediate denial of his or her application.

25          If the Secretary immediately suspends the license of a  
26          licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened  
2 by the Department within 15 days after the suspension and  
3 completed without appreciable delay.

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

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

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

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 subdivision (a) (5) of~~  
6 ~~Section 2105-15 of the Department of Professional Regulation~~  
7 ~~Law of the Civil Administrative Code of Illinois.~~

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

20           (e) The Department shall deny a license or renewal  
21 authorized by this Act to a person who has failed to file a  
22 return, to pay the tax, penalty, or interest shown in a filed  
23 return, or to pay any final assessment of tax, penalty, or  
24 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.

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

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

12 Section 805. The Interior Design Title Act is amended by  
13 changing Section 13 as follows:

14 (225 ILCS 310/13) (from Ch. 111, par. 8213)

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

16 Sec. 13. Refusal, revocation or suspension of  
17 registration. The Department may refuse to issue, renew, or  
18 restore or may revoke, suspend, place on probation, reprimand  
19 or take other disciplinary action as the Department may deem  
20 proper, including fines not to exceed \$5,000 for each  
21 violation, with regard to any registration for any one or  
22 combination of the following causes:

23 (a) Fraud in procuring the certificate of  
24 registration.

1           (b) Habitual intoxication or addiction to the use of  
2 drugs.

3           (c) Making any misrepresentations or false promises,  
4 directly or indirectly, to influence, persuade, or induce  
5 patronage.

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

12           (e) Obtaining or seeking to obtain checks, money, or  
13 any other items of value by false or fraudulent  
14 representations.

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

17           (g) Improper, unprofessional, or dishonorable conduct  
18 of a character likely to deceive, defraud, or harm the  
19 public.

20           (h) Conviction in this or another state, or federal  
21 court, of any crime which is a felony, if the Department  
22 determines, after investigation, that such person has not  
23 been sufficiently rehabilitated to warrant the public  
24 trust.

25           (i) A violation of any provision of this Act or its  
26 rules.

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

7           (k) Mental incompetence as declared by a court of  
8 competent jurisdiction.

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

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

22           The Department may refuse to issue or may suspend the  
23 registration of any person who fails to file a return, or to  
24 pay the tax, penalty, or interest showing in a filed return, or  
25 to pay any final assessment of tax, penalty, or interest, as  
26 required by any tax Act administered by the Illinois Department

1 of Revenue, until such time as the requirements of any such tax  
2 Act are satisfied.

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

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

15 Section 810. The Professional Engineering Practice Act of  
16 1989 is amended by changing Section 24 as follows:

17 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

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

21 (a) The Department shall adopt rules setting standards of  
22 professional conduct and establish appropriate penalties for  
23 the breach of such rules.

24 (a-1) The Department may, singularly or in combination,



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

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

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

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

18 (4) Making any misrepresentation for the purpose of  
19 obtaining, renewing, or restoring a license or violating  
20 any provision of this Act or the rules promulgated under  
21 this Act pertaining to advertising.

22 (5) Willfully making or signing a false statement,  
23 certificate, or affidavit to induce payment.

24 (6) Negligence, incompetence or misconduct in the  
25 practice of professional engineering as a licensed  
26 professional engineer or in working as an engineer intern.

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

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

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

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

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

19           (12) Directly or indirectly giving to or receiving from  
20 any person, firm, corporation, partnership or association  
21 any fee, commission, rebate or other form of compensation  
22 for any professional services not actually or personally  
23 rendered.

24           (13) A finding by the Department that an applicant or  
25 registrant has failed to pay a fine imposed by the  
26 Department, a registrant whose license has been placed on

1           probationary status has violated the terms of probation, or  
2           a registrant has practiced on an expired, inactive,  
3           suspended, or revoked license.

4           (14) Signing, affixing the professional engineer's  
5           seal or permitting the professional engineer's seal to be  
6           affixed to any technical submissions not prepared as  
7           required by Section 14 or completely reviewed by the  
8           professional engineer or under the professional engineer's  
9           direct supervision.

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

14          (16) The making of a statement pursuant to the  
15          Environmental Barriers Act that a plan for construction or  
16          alteration of a public facility or for construction of a  
17          multi-story housing unit is in compliance with the  
18          Environmental Barriers Act when such plan is not in  
19          compliance.

20          (17) (Blank).

21          (a-2) The Department shall deny a license or renewal  
22          authorized by this Act to a person who has failed to file a  
23          return, to pay the tax, penalty, or interest shown in a filed  
24          return, or to pay any final assessment of tax, penalty, or  
25          interest as required by any tax Act administered by the  
26          Department of Revenue, until such time as the requirements of

1 the tax Act are satisfied in accordance with subsection (g) of  
2 Section 2105-15 of the Department of Professional Regulation  
3 Law of the Civil Administrative Code of Illinois (20 ILCS  
4 2105/2105-15).

5 (a-3) (Blank). ~~The Department shall deny a license or~~  
6 ~~renewal authorized by this Act to a person who has defaulted on~~  
7 ~~an educational loan or scholarship provided or guaranteed by~~  
8 ~~the 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 (20 ILCS~~  
12 ~~2105/2105-15).~~

13 (a-4) In cases where the Department of Healthcare and  
14 Family Services (formerly the Department of Public Aid) has  
15 previously determined that a licensee or a potential licensee  
16 is more than 30 days delinquent in the payment of child support  
17 and has subsequently certified the delinquency to the  
18 Department, the Department shall refuse to issue or renew or  
19 shall revoke or suspend that person's license or shall take  
20 other disciplinary action against that person based solely upon  
21 the certification of delinquency made by the Department of  
22 Healthcare and Family Services in accordance with subdivision  
23 (a) (5) of Section 2105-15 of the Department of Professional  
24 Regulation Law of the Civil Administrative Code of Illinois (20  
25 ILCS 2105/2105-15).

26 (a-5) In enforcing this Section, the Department or Board,

1 upon a showing of a possible violation, may order a licensee or  
2 applicant to submit to a mental or physical examination, or  
3 both, at the expense of the Department. The Department or Board  
4 may order the examining physician to present testimony  
5 concerning his or her examination of the licensee or applicant.  
6 No information shall be excluded by reason of any common law or  
7 statutory privilege relating to communications between the  
8 licensee or applicant and the examining physician. The  
9 examining physicians shall be specifically designated by the  
10 Board or Department. The licensee or applicant may have, at his  
11 or her own expense, another physician of his or her choice  
12 present during all aspects of the examination. Failure of a  
13 licensee or applicant to submit to any such examination when  
14 directed, without reasonable cause as defined by rule, shall be  
15 grounds for either the immediate suspension of his or her  
16 license or immediate denial of his or her application.

17 If the Secretary immediately suspends the license of a  
18 licensee for his or her failure to submit to a mental or  
19 physical examination when directed, a hearing must be convened  
20 by the Department within 15 days after the suspension and  
21 completed without appreciable delay.

22 If the Secretary otherwise suspends a license pursuant to  
23 the results of the licensee's mental or physical examination, a  
24 hearing must be convened by the Department within 15 days after  
25 the suspension and completed without appreciable delay. The  
26 Department and Board shall have the authority to review the

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

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

10 (b) The determination by a circuit court that a registrant  
11 is subject to involuntary admission or judicial admission as  
12 provided in the Mental Health and Developmental Disabilities  
13 Code, as now or hereafter amended, operates as an automatic  
14 suspension. Such suspension will end only upon a finding by a  
15 court that the patient is no longer subject to involuntary  
16 admission or judicial admission, the issuance of an order so  
17 finding and discharging the patient, and the recommendation of  
18 the Board to the Director that the registrant be allowed to  
19 resume practice.

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

21 Section 815. The Illinois Professional Land Surveyor Act of  
22 1989 is amended by changing Section 27 as follows:

23 (225 ILCS 330/27) (from Ch. 111, par. 3277)

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

1           Sec. 27. Grounds for disciplinary action.

2           (a) The Department may refuse to issue or renew a license,  
3 or may place on probation or administrative supervision,  
4 suspend, or revoke any license, or may reprimand or take any  
5 disciplinary or non-disciplinary action as the Department may  
6 deem proper, including the imposition of fines not to exceed  
7 \$10,000 per violation, upon any person, corporation,  
8 partnership, or professional land surveying firm licensed or  
9 registered under this Act for any of the following reasons:

10           (1) material misstatement in furnishing information to  
11 the Department;

12           (2) violation, including, but not limited to, neglect  
13 or intentional disregard, of this Act, or its rules;

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

20           (4) making any misrepresentation for the purpose of  
21 obtaining a license, or in applying for restoration or  
22 renewal, or the practice of any fraud or deceit in taking  
23 any examination to qualify for licensure under this Act;

24           (5) purposefully making false statements or signing  
25 false statements, certificates, or affidavits to induce  
26 payment;

1           (6) proof of carelessness, incompetence, negligence,  
2 or misconduct in practicing land surveying;

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

5           (8) failing to provide information in response to a  
6 written request made by the Department within 30 days after  
7 receipt of such written request;

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

11           (10) inability to practice with reasonable judgment,  
12 skill, or safety as a result of habitual or excessive use  
13 of, or addiction to, alcohol, narcotics, stimulants or any  
14 other chemical agent or drug;

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

20           (12) directly or indirectly giving to or receiving from  
21 any person, firm, corporation, partnership, or association  
22 any fee, commission, rebate, or other form of compensation  
23 for any professional services not actually or personally  
24 rendered;

25           (12.5) issuing a map or plat of survey where the fee  
26 for professional services is contingent on a real estate



1 transaction closing;

2 (13) a finding by the Department that an applicant or  
3 licensee has failed to pay a fine imposed by the Department  
4 or a licensee whose license has been placed on probationary  
5 status has violated the terms of probation;

6 (14) practicing on an expired, inactive, suspended, or  
7 revoked license;

8 (15) signing, affixing the Professional Land  
9 Surveyor's seal or permitting the Professional Land  
10 Surveyor's seal to be affixed to any map or plat of survey  
11 not prepared by the Professional Land Surveyor or under the  
12 Professional Land Surveyor's direct supervision and  
13 control;

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

19 (17) (blank); or

20 (18) failure to adequately supervise or control land  
21 surveying operations being performed by subordinates.

22 (a-5) In enforcing this Section, the Department or Board,  
23 upon a showing of a possible violation, may compel a person  
24 licensed to practice under this Act, or who has applied for  
25 licensure or certification pursuant to this Act, to submit to a  
26 mental or physical examination, or both, as required by and at

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

17 If the Secretary immediately suspends the license of a  
18 licensee for his or her failure to submit to a mental or  
19 physical examination when directed, a hearing must be convened  
20 by the Department within 15 days after the suspension and  
21 completed without appreciable delay.

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

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

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

11 (b) The determination by a circuit court that a licensee is  
12 subject to involuntary admission or judicial admission as  
13 provided in the Mental Health and Developmental Disabilities  
14 Code, as now or hereafter amended, operates as an automatic  
15 license suspension. Such suspension will end only upon a  
16 finding by a court that the patient is no longer subject to  
17 involuntary admission or judicial admission and the issuance of  
18 an order so finding and discharging the patient and upon the  
19 recommendation of the Board to the Director that the licensee  
20 be allowed to resume his or her practice.

21 (c) (Blank). ~~The Department shall deny a license or renewal~~  
22 ~~authorized by this Act to a person who has defaulted on an~~  
23 ~~educational loan or scholarship provided or guaranteed by the~~  
24 ~~Illinois Student Assistance Commission or any governmental~~  
25 ~~agency of this State in accordance with subdivision (a) (5) of~~  
26 ~~Section 2105-15 of the Department of Professional Regulation~~

1 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~  
2 ~~2105/2105-15).~~

3 (d) In cases where the Department of Healthcare and Family  
4 Services (formerly the Department of Public Aid) has previously  
5 determined that a licensee or a potential licensee is more than  
6 30 days delinquent in the payment of child support and has  
7 subsequently certified the delinquency to the Department, the  
8 Department shall refuse to issue or renew or shall revoke or  
9 suspend that person's license or shall take other disciplinary  
10 action against that person based solely upon the certification  
11 of delinquency made by the Department of Healthcare and Family  
12 Services in accordance with subdivision (a)(5) of Section  
13 2105-15 of the Department of Professional Regulation Law of the  
14 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

15 (e) The Department shall refuse to issue or renew or shall  
16 revoke or suspend a person's license or shall take other  
17 disciplinary action against that person for his or her failure  
18 to file a return, to pay the tax, penalty, or interest shown in  
19 a filed return, or to pay any final assessment of tax, penalty,  
20 or interest as required by any tax Act administered by the  
21 Department of Revenue, until such time as the requirements of  
22 the tax Act are satisfied in accordance with subsection (g) of  
23 Section 2105-15 of the Department of Professional Regulation  
24 Law of the Civil Administrative Code of Illinois (20 ILCS  
25 2105/2105-15).

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

1 Section 820. The Illinois Roofing Industry Licensing Act is  
2 amended by changing Section 9.1 as follows:

3 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)  
4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 9.1. Grounds for disciplinary action.

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

12 (a) violation of this Act or its rules;

13 (b) for licensees, conviction or plea of guilty or nolo  
14 contendere, finding of guilt, jury verdict, or entry of  
15 judgment or sentencing of any crime, including, but not  
16 limited to, convictions, preceding sentences of  
17 supervision, conditional discharge, or first offender  
18 probation, under the laws of any jurisdiction of the United  
19 States that is (i) a felony or (ii) a misdemeanor, an  
20 essential element of which is dishonesty or that is  
21 directly related to the practice of the profession and, for  
22 initial applicants, convictions set forth in Section 7.1 of  
23 this Act;

24 (c) fraud or any misrepresentation in applying for or

1       procuring a license under this Act, or in connection with  
2       applying for renewal of a license under this Act;

3           (d) professional incompetence or gross negligence in  
4       the practice of roofing contracting, prima facie evidence  
5       of which may be a conviction or judgment in any court of  
6       competent jurisdiction against an applicant or licensee  
7       relating to the practice of roofing contracting or the  
8       construction of a roof or repair thereof that results in  
9       leakage within 90 days after the completion of such work;

10          (e) (blank);

11          (f) aiding or assisting another person in violating any  
12       provision of this Act or rules;

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

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

18          (i) habitual or excessive use or abuse of controlled  
19       substances, as defined by the Illinois Controlled  
20       Substances Act, alcohol, or any other substance that  
21       results in the inability to practice with reasonable  
22       judgment, skill, or safety;

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

1 set forth in this Section;

2 (k) directly or indirectly giving to or receiving from  
3 any person, firm, corporation, partnership, or association  
4 any fee, commission, rebate, or other form of compensation  
5 for any professional services not actually or personally  
6 rendered;

7 (l) a finding by the Department that the licensee,  
8 after having his or her license disciplined, has violated  
9 the terms of the discipline;

10 (m) a finding by any court of competent jurisdiction,  
11 either within or without this State, of any violation of  
12 any law governing the practice of roofing contracting, if  
13 the Department determines, after investigation, that such  
14 person has not been sufficiently rehabilitated to warrant  
15 the public trust;

16 (n) willfully making or filing false records or reports  
17 in the practice of roofing contracting, including, but not  
18 limited to, false records filed with the State agencies or  
19 departments;

20 (o) practicing, attempting to practice, or advertising  
21 under a name other than the full name as shown on the  
22 license or any other legally authorized name;

23 (p) gross and willful overcharging for professional  
24 services including filing false statements for collection  
25 of fees or monies for which services are not rendered;

26 (q) (blank);

1 (r) (blank);

2 (s) failure to continue to meet the requirements of  
3 this Act shall be deemed a violation;

4 (t) physical or mental disability, including  
5 deterioration through the aging process or loss of  
6 abilities and skills that result in an inability to  
7 practice the profession with reasonable judgment, skill,  
8 or safety;

9 (u) material misstatement in furnishing information to  
10 the Department or to any other State agency;

11 (v) (blank);

12 (w) advertising in any manner that is false,  
13 misleading, or deceptive;

14 (x) taking undue advantage of a customer, which results  
15 in the perpetration of a fraud;

16 (y) performing any act or practice that is a violation  
17 of the Consumer Fraud and Deceptive Business Practices Act;

18 (z) engaging in the practice of roofing contracting, as  
19 defined in this Act, with a suspended, revoked, or  
20 cancelled license;

21 (aa) treating any person differently to the person's  
22 detriment because of race, color, creed, gender, age,  
23 religion, or national origin;

24 (bb) knowingly making any false statement, oral,  
25 written, or otherwise, of a character likely to influence,  
26 persuade, or induce others in the course of obtaining or



1 performing roofing contracting services;

2 (cc) violation of any final administrative action of  
3 the Secretary;

4 (dd) allowing the use of his or her roofing license by  
5 an unlicensed roofing contractor for the purposes of  
6 providing roofing or waterproofing services; or

7 (ee) (blank);

8 (ff) cheating or attempting to subvert a licensing  
9 examination administered under this Act; or

10 (gg) use of a license to permit or enable an unlicensed  
11 person to provide roofing contractor services.

12 (2) The determination by a circuit court that a license  
13 holder is subject to involuntary admission or judicial  
14 admission, as provided in the Mental Health and Developmental  
15 Disabilities Code, operates as an automatic suspension. Such  
16 suspension will end only upon a finding by a court that the  
17 patient is no longer subject to involuntary admission or  
18 judicial admission, an order by the court so finding and  
19 discharging the patient, and the recommendation of the Board to  
20 the Director that the license holder be allowed to resume his  
21 or her practice.

22 (3) The Department may refuse to issue or take disciplinary  
23 action concerning the license of any person who fails to file a  
24 return, to pay the tax, penalty, or interest shown in a filed  
25 return, or to pay any final assessment of tax, penalty, or  
26 interest as required by any tax Act administered by the

1 Department of Revenue, until such time as the requirements of  
2 any such tax Act are satisfied as determined by the Department  
3 of Revenue.

4 (4) In enforcing this Section, the Department, upon a  
5 showing of a possible violation, may compel any individual who  
6 is licensed under this Act or any individual who has applied  
7 for licensure to submit to a mental or physical examination or  
8 evaluation, or both, which may include a substance abuse or  
9 sexual offender evaluation, at the expense of the Department.

10 The Department shall specifically designate the examining  
11 physician licensed to practice medicine in all of its branches  
12 or, if applicable, the multidisciplinary team involved in  
13 providing the mental or physical examination and evaluation.

14 The multidisciplinary team shall be led by a physician licensed  
15 to practice medicine in all of its branches and may consist of  
16 one or more or a combination of physicians licensed to practice  
17 medicine in all of its branches, licensed chiropractic  
18 physicians, licensed clinical psychologists, licensed clinical  
19 social workers, licensed clinical professional counselors, and  
20 other professional and administrative staff. Any examining  
21 physician or member of the multidisciplinary team may require  
22 any person ordered to submit to an examination and evaluation  
23 pursuant to this Section to submit to any additional  
24 supplemental testing deemed necessary to complete any  
25 examination or evaluation process, including, but not limited  
26 to, blood testing, urinalysis, psychological testing, or

1 neuropsychological testing.

2 (5) The Department may order the examining physician or any  
3 member of the multidisciplinary team to provide to the  
4 Department any and all records, including business records,  
5 that relate to the examination and evaluation, including any  
6 supplemental testing performed. The Department may order the  
7 examining physician or any member of the multidisciplinary team  
8 to present testimony concerning this examination and  
9 evaluation of the licensee or applicant, including testimony  
10 concerning any supplemental testing or documents relating to  
11 the examination and evaluation. No information, report,  
12 record, or other documents in any way related to the  
13 examination and evaluation shall be excluded by reason of any  
14 common law or statutory privilege relating to communication  
15 between the licensee or applicant and the examining physician  
16 or any member of the multidisciplinary team. No authorization  
17 is necessary from the licensee or applicant ordered to undergo  
18 an evaluation and examination for the examining physician or  
19 any member of the multidisciplinary team to provide  
20 information, reports, records, or other documents or to provide  
21 any testimony regarding the examination and evaluation. The  
22 individual to be examined may have, at his or her own expense,  
23 another physician of his or her choice present during all  
24 aspects of the examination.

25 (6) Failure of any individual to submit to mental or  
26 physical examination or evaluation, or both, when directed,

1 shall result in an automatic suspension without hearing until  
2 such time as the individual submits to the examination. If the  
3 Department finds a licensee unable to practice because of the  
4 reasons set forth in this Section, the Department shall require  
5 the licensee to submit to care, counseling, or treatment by  
6 physicians approved or designated by the Department as a  
7 condition for continued, reinstated, or renewed licensure.

8 (7) When the Secretary immediately suspends a license under  
9 this Section, a hearing upon such person's license must be  
10 convened by the Department within 15 days after the suspension  
11 and completed without appreciable delay. The Department shall  
12 have the authority to review the licensee's record of treatment  
13 and counseling regarding the impairment to the extent permitted  
14 by applicable federal statutes and regulations safeguarding  
15 the confidentiality of medical records.

16 (8) Licensees affected under this Section shall be afforded  
17 an opportunity to demonstrate to the Department that they can  
18 resume practice in compliance with acceptable and prevailing  
19 standards under the provisions of their license.

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

1 ~~Illinois.~~

2 (10) 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 action against that person based solely upon the  
9 certification of delinquency made by the Department of  
10 Healthcare and Family Services in accordance with paragraph (5)  
11 of subsection (a) of Section 2105-15 of the Department of  
12 Professional Regulation Law of the Civil Administrative Code of  
13 Illinois.

14 The changes to this Act made by this amendatory Act of 1997  
15 apply only to disciplinary actions relating to events occurring  
16 after the effective date of this amendatory Act of 1997.

17 (Source: P.A. 99-469, eff. 8-26-15; 99-876, eff. 1-1-17.)

18 Section 825. The Structural Engineering Practice Act of  
19 1989 is amended by changing Section 20 as follows:

20 (225 ILCS 340/20) (from Ch. 111, par. 6620)

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

22 Sec. 20. Refusal; revocation; suspension.

23 (a) The Department may refuse to issue or renew, or may  
24 revoke a license, or may suspend, place on probation, fine, or

1 take any disciplinary or non-disciplinary action as the  
2 Department may deem proper, including a fine not to exceed  
3 \$10,000 for each violation, with regard to any licensee for any  
4 one or combination of the following reasons:

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

7 (2) Negligence, incompetence or misconduct in the  
8 practice of structural engineering;

9 (3) Making any misrepresentation for the purpose of  
10 obtaining licensure;

11 (4) The affixing of a licensed structural engineer's  
12 seal to any plans, specifications or drawings which have  
13 not been prepared by or under the immediate personal  
14 supervision of that licensed structural engineer or  
15 reviewed as provided in this Act;

16 (5) 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 of 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 the profession;

22 (6) Making a statement of compliance pursuant to the  
23 Environmental Barriers Act, as now or hereafter amended,  
24 that a plan for construction or alteration of a public  
25 facility or for construction of a multi-story housing unit  
26 is in compliance with the Environmental Barriers Act when

1 such plan is not in compliance;

2 (7) Failure to comply with any of the provisions of  
3 this Act or its rules;

4 (8) Aiding or assisting another person in violating any  
5 provision of this Act or its rules;

6 (9) Engaging in dishonorable, unethical or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud or harm the public, as defined by rule;

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

13 (11) Failure of an applicant or licensee to pay a fine  
14 imposed by the Department or a licensee whose license has  
15 been placed on probationary status has violated the terms  
16 of probation;

17 (12) Discipline by another state, territory, foreign  
18 country, the District of Columbia, the United States  
19 government, or any other governmental agency, if at least  
20 one of the grounds for discipline is the same or  
21 substantially equivalent to those set forth in this  
22 Section;

23 (13) Failure to provide information in response to a  
24 written request made by the Department within 30 days after  
25 the receipt of such written request; or

26 (14) Physical illness, including but not limited to,

1 deterioration through the aging process or loss of motor  
2 skill, mental illness, or disability which results in the  
3 inability to practice the profession of structural  
4 engineering with reasonable judgment, skill, or safety.

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

22 If the Secretary immediately suspends the license of a  
23 licensee for his or her failure to submit to a mental or  
24 physical examination when directed, a hearing must be convened  
25 by the Department within 15 days after the suspension and  
26 completed without appreciable delay.



1           If the Secretary otherwise suspends a license pursuant to  
2 the results of the licensee's mental or physical examination, a  
3 hearing must be convened by the Department within 15 days after  
4 the suspension and completed without appreciable delay. The  
5 Department and Board shall have the authority to review the  
6 licensee's record of treatment and counseling regarding the  
7 relevant impairment or impairments to the extent permitted by  
8 applicable federal statutes and regulations safeguarding the  
9 confidentiality of 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, operates as an automatic suspension. Such suspension will  
19 end only upon a finding by a court that the patient is no  
20 longer subject to involuntary admission or judicial admission,  
21 the issuance of an order so finding and discharging the  
22 patient, and the recommendation of the Board to the Secretary  
23 that the licensee be allowed to resume practice.

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

1 ~~Illinois Student Assistance Commission or any governmental~~  
2 ~~agency of this State in accordance with subdivision (a) (5) of~~  
3 ~~Section 2105-15 of the Department of Professional Regulation~~  
4 ~~Law of the Civil Administrative Code of Illinois.~~

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

17 (e) The Department shall deny a license or renewal  
18 authorized by this Act to a person who has failed to file a  
19 return, to pay the tax, penalty, or interest shown in a filed  
20 return, or to pay any final assessment of tax, penalty, or  
21 interest as required by any tax Act administered by the  
22 Department of Revenue, until such time as the requirements of  
23 the tax Act are satisfied in accordance with subsection (g) of  
24 Section 2105-15 of the Department of Professional Regulation  
25 Law of the Civil Administrative Code of Illinois.

26 (f) Persons who assist the Department as consultants or

1 expert witnesses in the investigation or prosecution of alleged  
2 violations of the Act, licensure matters, restoration  
3 proceedings, or criminal prosecutions, are not liable for  
4 damages in any civil action or proceeding as a result of such  
5 assistance, except upon proof of actual malice. The Attorney  
6 General of the State of Illinois shall defend such persons in  
7 any such action or proceeding.

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

9 Section 830. The Auction License Act is amended by changing  
10 Section 20-20 as follows:

11 (225 ILCS 407/20-20)

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

13 Sec. 20-20. Termination without hearing for failure to pay  
14 taxes or ~~7~~ child support, ~~or a student loan~~. The Department may  
15 terminate or otherwise discipline any license issued under this  
16 Act without hearing if the appropriate administering agency  
17 provides adequate information and proof that the licensee has:

18 (1) failed to file a return, to pay the tax, penalty,  
19 or interest shown in a filed return, or to pay any final  
20 assessment of tax, penalty, or interest, as required by any  
21 tax act administered by the Illinois Department of Revenue  
22 until the requirements of the tax act are satisfied;

23 (2) failed to pay any court ordered child support as  
24 determined by a court order or by referral from the

1 Department of Healthcare and Family Services (formerly  
2 Illinois Department of Public Aid); or

3 (3) (blank). ~~failed to repay any student loan or~~  
4 ~~assistance as determined by the Illinois Student~~  
5 ~~Assistance Commission.~~

6 If a license is terminated or otherwise disciplined  
7 pursuant to this Section, the licensee may request a hearing as  
8 provided by this Act within 30 days of notice of termination or  
9 discipline.

10 (Source: P.A. 95-331, eff. 8-21-07; 95-572, eff. 6-1-08.)

11 Section 835. The Barber, Cosmetology, Esthetics, Hair  
12 Braiding, and Nail Technology Act of 1985 is amended by  
13 changing Section 4-7 as follows:

14 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 4-7. Refusal, suspension and revocation of licenses;  
17 causes; disciplinary action.

18 (1) The Department may refuse to issue or renew, and may  
19 suspend, revoke, place on probation, reprimand or take any  
20 other disciplinary or non-disciplinary action as the  
21 Department may deem proper, including civil penalties not to  
22 exceed \$500 for each violation, with regard to any license for  
23 any one, or any combination, of the following causes:

24 a. For licensees, conviction of any crime under the

1 laws of the United States or any state or territory thereof  
2 that is (i) a felony, (ii) a misdemeanor, an essential  
3 element of which is dishonesty, or (iii) a crime which is  
4 related to the practice of the profession and, for initial  
5 applicants, convictions set forth in Section 4-6.1 of this  
6 Act.

7 b. Conviction of any of the violations listed in  
8 Section 4-20.

9 c. Material misstatement in furnishing information to  
10 the Department.

11 d. Making any misrepresentation for the purpose of  
12 obtaining a license or violating any provision of this Act  
13 or its rules.

14 e. Aiding or assisting another person in violating any  
15 provision of this Act or its rules.

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

18 g. Discipline by another state, territory, or country  
19 if at least one of the grounds for the discipline is the  
20 same as or substantially equivalent to those set forth in  
21 this Act.

22 h. Practice in the barber, nail technology, esthetics,  
23 hair braiding, or cosmetology profession, or an attempt to  
24 practice in those professions, by fraudulent  
25 misrepresentation.

26 i. Gross malpractice or gross incompetency.

1           j. Continued practice by a person knowingly having an  
2 infectious or contagious disease.

3           k. Solicitation of professional services by using  
4 false or misleading advertising.

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

8           m. 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.

13           n. Violating any of the provisions of this Act or rules  
14 adopted pursuant to this Act.

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

19           p. Habitual or excessive use or addiction to alcohol,  
20 narcotics, stimulants, or any other chemical agent or drug  
21 that results in the inability to practice with reasonable  
22 judgment, skill or safety.

23           q. Engaging in dishonorable, unethical or  
24 unprofessional conduct of a character likely to deceive,  
25 defraud, or harm the public as may be defined by rules of  
26 the Department, or violating the rules of professional

1 conduct which may be adopted by the Department.

2 r. Permitting any person to use for any unlawful or  
3 fraudulent purpose one's diploma or license or certificate  
4 of registration as a cosmetologist, nail technician,  
5 esthetician, hair braider, or barber or cosmetology, nail  
6 technology, esthetics, hair braiding, or barber teacher or  
7 salon or shop or cosmetology clinic teacher.

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

14 t. Operating a salon or shop without a valid  
15 registration.

16 u. Failure to complete required continuing education  
17 hours.

18 (2) In rendering an order, the Secretary shall take into  
19 consideration the facts and circumstances involving the type of  
20 acts or omissions in paragraph (1) of this Section including,  
21 but not limited to:

22 (a) the extent to which public confidence in the  
23 cosmetology, nail technology, esthetics, hair braiding, or  
24 barbering profession was, might have been, or may be,  
25 injured;

26 (b) the degree of trust and dependence among the

1 involved parties;

2 (c) the character and degree of harm which did result  
3 or might have resulted;

4 (d) the intent or mental state of the licensee at the  
5 time of the acts or omissions.

6 (3) The Department may reissue the license or registration  
7 upon certification by the Board that the disciplined licensee  
8 or registrant has complied with all of the terms and conditions  
9 set forth in the final order or has been sufficiently  
10 rehabilitated to warrant the public trust.

11 (4) The Department shall refuse to issue or renew or  
12 suspend without hearing the license or certificate of  
13 registration of any person who fails to file a return, or to  
14 pay the tax, penalty or interest shown in a filed return, or to  
15 pay any final assessment of tax, penalty or interest, as  
16 required by any tax Act administered by the Illinois Department  
17 of Revenue, until such time as the requirements of any such tax  
18 Act are satisfied as determined by the Department of Revenue.

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



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

5           (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15;  
6 99-876, eff. 1-1-17.)

7           Section 840. The Electrologist Licensing Act is amended by  
8 changing Section 75 as follows:

9           (225 ILCS 412/75)

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

11          Sec. 75. Grounds for discipline.

12          (a) The Department may refuse to issue or renew and may  
13 revoke or suspend a license under this Act, and may place on  
14 probation, reprimand, or take other disciplinary or  
15 non-disciplinary action with regard to any licensee under this  
16 Act, as the Department may consider appropriate, including  
17 imposing fines not to exceed \$10,000 for each violation and  
18 assess costs as provided for under Section 95 of this Act, for  
19 one or any combination of the following causes:

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

22                 (2) Violation of this Act or rules adopted under this  
23 Act.

24                 (3) Conviction by plea of guilty or nolo contendere,

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

9 (4) Fraud or misrepresentation in applying for or  
10 procuring a license under this Act, or in connection with  
11 applying for renewal of a license under this Act.

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

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

16 (7) Engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public.

19 (8) Habitual or excessive use or abuse of drugs defined  
20 in law as controlled substances, alcohol, or any other  
21 substance that results in an electrologist's inability to  
22 practice with reasonable judgment, skill, or safety.

23 (9) Discipline by another governmental agency, unit of  
24 government, U.S. jurisdiction, or foreign nation if at  
25 least one of the grounds for discipline is the same as or  
26 substantially equivalent to any of those set forth in this

1 Act.

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

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

21 (12) Abandonment of a patient.

22 (13) Willfully making or filing false records or  
23 reports in the licensee's practice, including, but not  
24 limited to, false records filed with State agencies or  
25 departments.

26 (14) Mental or physical illness or disability,

1 including, but not limited to, deterioration through the  
2 aging process or loss of motor skill that results in the  
3 inability to practice the profession with reasonable  
4 judgment, skill, or safety.

5 (15) Negligence in his or her practice under this Act.

6 (16) Use of fraud, deception, or any unlawful means in  
7 applying for and securing a license as an electrologist.

8 (17) Immoral conduct in the commission of any act, such  
9 as sexual abuse, sexual misconduct, or sexual  
10 exploitation, related to the licensee's practice.

11 (18) Failure to comply with standards of sterilization  
12 and sanitation as defined in the rules of the Department.

13 (19) Charging for professional services not rendered,  
14 including filing false statements for the collection of  
15 fees for which services are not rendered.

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

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

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 end only upon a finding by a court that the patient is no  
6 longer subject to involuntary admission or judicial admission,  
7 the issuance of an order so finding and discharging the  
8 patient, and the filing of a petition for restoration  
9 demonstrating fitness to practice.

10           (d) In enforcing this Section, the Department, upon a  
11 showing of a possible violation, may compel any individual who  
12 is licensed to practice under this Act or any individual who  
13 has applied for licensure to submit to a mental or physical  
14 examination and evaluation, or both, that may include a  
15 substance abuse or sexual offender evaluation, at the expense  
16 of the Department. The Department shall specifically designate  
17 the examining physician licensed to practice medicine in all of  
18 its branches or, if applicable, the multidisciplinary team  
19 involved in providing the mental or physical examination and  
20 evaluation, or both. The multidisciplinary team shall be led by  
21 a physician licensed to practice medicine in all of its  
22 branches and may consist of one or more or a combination of  
23 physicians licensed to practice medicine in all of its  
24 branches, licensed chiropractic physicians, licensed clinical  
25 psychologists, licensed clinical social workers, licensed  
26 clinical 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 licensee, permit holder, or applicant,  
16 including testimony concerning any supplemental testing or  
17 documents relating to the examination and evaluation. No  
18 information, report, record, or other documents in any way  
19 related to the examination and evaluation shall be excluded by  
20 reason of any common law or statutory privilege relating to  
21 communication between the licensee or applicant and the  
22 examining physician or any member of the multidisciplinary  
23 team. No authorization is necessary from the licensee or  
24 applicant ordered to undergo an evaluation and examination for  
25 the examining physician or any member of the multidisciplinary  
26 team to provide information, reports, records, or other

1 documents or to provide any testimony regarding the examination  
2 and evaluation. The individual to be examined may have, at his  
3 or her own expense, another physician of his or her choice  
4 present 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 hearing, until such  
8 time as the individual submits to the examination. If the  
9 Department finds a licensee unable to practice because of the  
10 reasons set forth in this Section, the Department shall require  
11 the licensee 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 licensure to  
14 practice.

15 When the Secretary immediately suspends a license under  
16 this Section, a hearing upon the 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 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 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 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 (f) 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 (g) All fines or costs imposed under this Section shall be  
22 paid within 60 days after the effective date of the order  
23 imposing the fine or costs or in accordance with the terms set  
24 forth in the order imposing the fine.

25 (Source: P.A. 98-363, eff. 8-16-13.)



1 Section 845. The Illinois Certified Shorthand Reporters  
2 Act of 1984 is amended by changing Section 23 as follows:

3 (225 ILCS 415/23) (from Ch. 111, par. 6223)

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

5 Sec. 23. Grounds for disciplinary action.

6 (a) The Department may refuse to issue or renew, or may  
7 revoke, suspend, place on probation, reprimand or take other  
8 disciplinary or non-disciplinary action as the Department may  
9 deem appropriate, including imposing fines not to exceed  
10 \$10,000 for each violation and the assessment of costs as  
11 provided for in Section 23.3 of this Act, with regard to any  
12 license for any one or combination of the following:

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

15 (2) Violations of this Act, or of the rules promulgated  
16 thereunder;

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

1           (4) Fraud or any misrepresentation in applying for or  
2           procuring a license under this Act or in connection with  
3           applying for renewal of a license under this Act;

4           (5) Professional incompetence;

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

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

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

13          (9) Habitual or excessive use or abuse of drugs defined  
14          in law as controlled substances, alcohol, or any other  
15          substances that results in the inability to practice with  
16          reasonable judgment, skill, or safety;

17          (10) Discipline by another state, unit of government,  
18          government agency, the District of Columbia, a territory,  
19          or foreign nation, if at least one of the grounds for the  
20          discipline is the same or substantially equivalent to those  
21          set forth herein;

22          (11) Charging for professional services not rendered,  
23          including filing false statements for the collection of  
24          fees for which services were not rendered, or giving,  
25          directly or indirectly, any gift or anything of value to  
26          attorneys or their staff or any other persons or entities

1 associated with any litigation, that exceeds \$100 total per  
2 year; for the purposes of this Section, pro bono services,  
3 as defined by State law, are permissible in any amount;

4 (12) A finding by the Board that the certificate  
5 holder, after having his certificate placed on  
6 probationary status, has violated the terms of probation;

7 (13) Willfully making or filing false records or  
8 reports in the practice of shorthand reporting, including  
9 but not limited to false records filed with State agencies  
10 or departments;

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

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

17 (16) Willful failure to take full and accurate  
18 stenographic notes of any proceeding;

19 (17) Willful alteration of any stenographic notes  
20 taken at any proceeding;

21 (18) Willful failure to accurately transcribe verbatim  
22 any stenographic notes taken at any proceeding;

23 (19) Willful alteration of a transcript of  
24 stenographic notes taken at any proceeding;

25 (20) Affixing one's signature to any transcript of his  
26 stenographic notes or certifying to its correctness unless

1 the transcript has been prepared by him or under his  
2 immediate supervision;

3 (21) Willful failure to systematically retain  
4 stenographic notes or transcripts on paper or any  
5 electronic media for 10 years from the date that the notes  
6 or transcripts were taken;

7 (22) Failure to deliver transcripts in a timely manner  
8 or in accordance with contractual agreements;

9 (23) Establishing contingent fees as a basis of  
10 compensation;

11 (24) Mental illness or disability that results in the  
12 inability to practice under this Act with reasonable  
13 judgment, skill, or safety;

14 (25) Practicing under a false or assumed name, except  
15 as provided by law;

16 (26) Cheating on or attempting to subvert the licensing  
17 examination administered under this Act;

18 (27) Allowing one's license under this Act to be used  
19 by an unlicensed person in violation of this Act.

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 (b) The determination by a circuit court that a certificate  
25 holder is subject to involuntary admission or judicial  
26 admission as provided in the Mental Health and Developmental

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

10 (c) 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 item (5) of  
19 subsection (a) of Section 2105-15 of the Civil Administrative  
20 Code of Illinois.

21 (d) In enforcing this Section, the Department, upon a  
22 showing of a possible violation, may compel any individual who  
23 is certified under this Act or any individual who has applied  
24 for certification under this Act to submit to a mental or  
25 physical examination and evaluation, or both, which may include  
26 a substance abuse or sexual offender evaluation, at the expense

1 of the Department. The Department shall specifically designate  
2 the examining physician licensed to practice medicine in all of  
3 its branches or, if applicable, the multidisciplinary team  
4 involved in providing the mental or physical examination and  
5 evaluation, or both. The multidisciplinary team shall be led by  
6 a physician licensed to practice medicine in all of its  
7 branches and may consist of one or more or a combination of  
8 physicians licensed to practice medicine in all of its  
9 branches, licensed chiropractic physicians, licensed clinical  
10 psychologists, licensed clinical social workers, licensed  
11 clinical 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 pursuant to this Section to  
15 submit to any additional supplemental testing deemed necessary  
16 to complete any examination or evaluation process, including,  
17 but not limited to, blood testing, urinalysis, psychological  
18 testing, or neuropsychological testing.

19 The Department may order the examining physician or any  
20 member of the multidisciplinary team to provide to the  
21 Department any and all records, including business records,  
22 that relate to the examination and evaluation, including any  
23 supplemental testing performed. The Department may order the  
24 examining physician or any member of the multidisciplinary team  
25 to present testimony concerning this examination and  
26 evaluation of the certified shorthand reporter or applicant,

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

17 Failure of any individual to submit to mental or physical  
18 examination and evaluation, or both, when directed, shall  
19 result in an automatic suspension, without hearing, until such  
20 time as the individual submits to the examination. If the  
21 Department finds a certified shorthand reporter unable to  
22 practice because of the reasons set forth in this Section, the  
23 Department shall require the certified shorthand reporter to  
24 submit to care, counseling, or treatment by physicians approved  
25 or designated by the Department, as a condition for continued,  
26 reinstated, or renewed certification.

1           When the Secretary immediately suspends a certificate  
2 under this Section, a hearing upon the person's certificate  
3 must be convened by the Department within 15 days after the  
4 suspension and completed without appreciable delay. The  
5 Department shall have the authority to review the certified  
6 shorthand reporter's record of treatment and counseling  
7 regarding the impairment, to the extent permitted by applicable  
8 federal statutes and regulations safeguarding the  
9 confidentiality of medical records.

10           Individuals certified 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 certification.

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 Civil Administrative Code of~~  
21 ~~Illinois.~~

22           (f) The Department may refuse to issue or may suspend  
23 without hearing, as provided for in the Code of Civil  
24 Procedure, the license of any person who fails to file a  
25 return, to pay the tax, penalty, or interest shown in a filed  
26 return, or to pay any final assessment of tax, penalty, or



1 interest as required by any tax Act administered by the  
2 Illinois Department of Revenue, until such time as the  
3 requirements of any such tax Act are satisfied in accordance  
4 with subsection (g) of Section 2105-15 of the Civil  
5 Administrative Code of Illinois.

6 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

7 Section 850. The Collection Agency Act is amended by  
8 changing Section 9 as follows:

9 (225 ILCS 425/9) (from Ch. 111, par. 2012)

10 (Section scheduled to be repealed on January 1, 2026)

11 Sec. 9. Disciplinary actions.

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 may  
15 deem proper, including fines not to exceed \$10,000 per  
16 violation, for any one or any combination of the following  
17 causes:

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

20 (2) Violations of this Act or of the rules promulgated  
21 hereunder.

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 of the  
3 collection agency or any of the officers or owners of more  
4 than 10% interest of the agency of any crime under the laws  
5 of any U.S. jurisdiction that (i) is a felony, (ii) is a  
6 misdemeanor, an essential element of which is dishonesty,  
7 or (iii) is directly related to the practice of a  
8 collection agency.

9 (4) Fraud or misrepresentation in applying for, or  
10 procuring, a license under this Act or in connection with  
11 applying for renewal of a license under this Act.

12 (5) Aiding or assisting another person in violating any  
13 provision of this Act or rules adopted under this Act.

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

16 (7) Habitual or excessive use or addiction to alcohol,  
17 narcotics, stimulants or any other chemical agent or drug  
18 which results in the inability to practice with reasonable  
19 judgment, skill, or safety by any of the officers or owners  
20 of 10% or more interest of a collection agency.

21 (8) Discipline by another state, the District of  
22 Columbia, a territory of the United States, or a foreign  
23 nation, if at least one of the grounds for the discipline  
24 is the same or substantially equivalent to those set forth  
25 in this Act.

26 (9) A finding by the Department that the licensee,

1 after having his license placed on probationary status, has  
2 violated the terms of probation.

3 (10) 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 (11) Practicing or attempting to practice under a false  
7 or, except as provided by law, an assumed name.

8 (12) A finding by the Federal Trade Commission that a  
9 licensee violated the federal Fair Debt Collection  
10 Practices Act or its rules.

11 (13) Failure to file a return, or to pay the tax,  
12 penalty or interest shown in a filed return, or to pay any  
13 final assessment of tax, penalty or interest, as required  
14 by any tax Act administered by the Illinois Department of  
15 Revenue until such time as the requirements of any such tax  
16 Act are satisfied.

17 (14) Using or threatening to use force or violence to  
18 cause physical harm to a debtor, his or her family or his  
19 or her property.

20 (15) Threatening to instigate an arrest or criminal  
21 prosecution where no basis for a criminal complaint  
22 lawfully exists.

23 (16) Threatening the seizure, attachment or sale of a  
24 debtor's property where such action can only be taken  
25 pursuant to court order without disclosing that prior court  
26 proceedings are required.

1           (17) Disclosing or threatening to disclose information  
2 adversely affecting a debtor's reputation for credit  
3 worthiness with knowledge the information is false.

4           (18) Initiating or threatening to initiate  
5 communication with a debtor's employer unless there has  
6 been a default of the payment of the obligation for at  
7 least 30 days and at least 5 days prior written notice, to  
8 the last known address of the debtor, of the intention to  
9 communicate with the employer has been given to the  
10 employee, except as expressly permitted by law or court  
11 order.

12           (19) Communicating with the debtor or any member of  
13 the debtor's family at such a time of day or night and with  
14 such frequency as to constitute harassment of the debtor or  
15 any member of the debtor's family. For purposes of this  
16 Section the following conduct shall constitute harassment:

17           (A) Communicating with the debtor or any member of  
18 his or her family in connection with the collection of  
19 any debt without the prior consent of the debtor given  
20 directly to the debt collector, or the express  
21 permission of a court of competent jurisdiction, at any  
22 unusual time or place or a time or place known or which  
23 should be known to be inconvenient to the debtor. In  
24 the absence of knowledge of circumstances to the  
25 contrary, a debt collector shall assume that the  
26 convenient time for communicating with a consumer is

1 after 8 o'clock a.m. and before 9 o'clock p.m. local  
2 time at the debtor's location.

3 (B) The threat of publication or publication of a  
4 list of consumers who allegedly refuse to pay debts,  
5 except to a consumer reporting agency.

6 (C) The threat of advertisement or advertisement  
7 for sale of any debt to coerce payment of the debt.

8 (D) Causing a telephone to ring or engaging any  
9 person in telephone conversation repeatedly or  
10 continuously with intent to annoy, abuse, or harass any  
11 person at the called number.

12 (20) Using profane, obscene or abusive language in  
13 communicating with a debtor, his or her family or others.

14 (21) Disclosing or threatening to disclose information  
15 relating to a debtor's debt to any other person except  
16 where such other person has a legitimate business need for  
17 the information or except where such disclosure is  
18 permitted by law.

19 (22) Disclosing or threatening to disclose information  
20 concerning the existence of a debt which the collection  
21 agency knows to be disputed by the debtor without  
22 disclosing the fact that the debtor disputes the debt.

23 (23) Engaging in any conduct that is intended to cause  
24 and did cause mental or physical illness to the debtor or  
25 his or her family.

26 (24) Attempting or threatening to enforce a right or

1 remedy with knowledge or reason to know that the right or  
2 remedy does not exist.

3 (25) Failing to disclose to the debtor or his or her  
4 family the corporate, partnership or proprietary name, or  
5 other trade or business name, under which the collection  
6 agency is engaging in debt collections and which he or she  
7 is legally authorized to use.

8 (26) Using any form of communication which simulates  
9 legal or judicial process or which gives the appearance of  
10 being authorized, issued or approved by a governmental  
11 agency or official or by an attorney at law when it is not.

12 (27) Using any badge, uniform, or other indicia of any  
13 governmental agency or official except as authorized by  
14 law.

15 (28) Conducting business under any name or in any  
16 manner which suggests or implies that the collection agency  
17 is a branch of or is affiliated in any way with a  
18 governmental agency or court if such collection agency is  
19 not.

20 (29) Failing to disclose, at the time of making any  
21 demand for payment, the name of the person to whom the debt  
22 is owed and at the request of the debtor, the address where  
23 payment is to be made and the address of the person to whom  
24 the debt is owed.

25 (30) Misrepresenting the amount of the debt alleged to  
26 be owed.

1           (31) Representing that an existing debt may be  
2 increased by the addition of attorney's fees,  
3 investigation fees or any other fees or charges when such  
4 fees or charges may not legally be added to the existing  
5 debt.

6           (32) Representing that the collection agency is an  
7 attorney at law or an agent for an attorney if he or she is  
8 not.

9           (33) Collecting or attempting to collect any interest  
10 or other charge or fee in excess of the actual debt unless  
11 such interest or other charge or fee is expressly  
12 authorized by the agreement creating the debt unless  
13 expressly authorized by law or unless in a commercial  
14 transaction such interest or other charge or fee is  
15 expressly authorized in a subsequent agreement. If a  
16 contingency or hourly fee arrangement (i) is established  
17 under an agreement between a collection agency and a  
18 creditor to collect a debt and (ii) is paid by a debtor  
19 pursuant to a contract between the debtor and the creditor,  
20 then that fee arrangement does not violate this Section  
21 unless the fee is unreasonable. The Department shall  
22 determine what constitutes a reasonable collection fee.

23           (34) Communicating or threatening to communicate with  
24 a debtor when the collection agency is informed in writing  
25 by an attorney that the attorney represents the debtor  
26 concerning the debt. If the attorney fails to respond

1 within a reasonable period of time, the collector may  
2 communicate with the debtor. The collector may communicate  
3 with the debtor when the attorney gives his or her consent.

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

7 ~~(b) The Department shall deny any license or renewal~~  
8 ~~authorized by this Act to any person who has defaulted on an~~  
9 ~~educational loan guaranteed by the Illinois State Scholarship~~  
10 ~~Commission; however, the Department may issue a license or~~  
11 ~~renewal if the person in default has established a satisfactory~~  
12 ~~repayment record as determined by the Illinois State~~  
13 ~~Scholarship Commission.~~ No collection agency while collecting  
14 or attempting to collect a debt shall engage in any of the Acts  
15 specified in this Section, each of which shall be unlawful  
16 practice.

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

18 Section 855. The Community Association Manager Licensing  
19 and Disciplinary Act is amended by changing Section 85 as  
20 follows:

21 (225 ILCS 427/85)

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

23 Sec. 85. Grounds for discipline; refusal, revocation, or  
24 suspension.



1           (a) The Department may refuse to issue or renew a license,  
2           or may place on probation, reprimand, suspend, or revoke any  
3           license, or take any other disciplinary or non-disciplinary  
4           action as the Department may deem proper and impose a fine not  
5           to exceed \$10,000 for each violation upon any licensee or  
6           applicant under this Act or any person or entity who holds  
7           himself, herself, or itself out as an applicant or licensee for  
8           any one or combination of the following causes:

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

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

12          (3) Conviction of or entry of a plea of guilty or plea  
13          of nolo contendere to a felony or a misdemeanor under the  
14          laws of the United States, any state, or any other  
15          jurisdiction or entry of an administrative sanction by a  
16          government agency in this State or any other jurisdiction.  
17          Action taken under this paragraph (3) for a misdemeanor or  
18          an administrative sanction is limited to a misdemeanor or  
19          administrative sanction that has as an essential element  
20          dishonesty or fraud, that involves larceny, embezzlement,  
21          or obtaining money, property, or credit by false pretenses  
22          or by means of a confidence game, or that is directly  
23          related to the practice of the profession.

24          (4) Making any misrepresentation for the purpose of  
25          obtaining a license or violating any provision of this Act  
26          or its rules.

1 (5) Professional incompetence.

2 (6) Gross negligence.

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

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

7 (9) Engaging in dishonorable, unethical, or  
8 unprofessional conduct of a character likely to deceive,  
9 defraud or harm the public as defined by the rules of the  
10 Department, or violating the rules of professional conduct  
11 adopted by the Department.

12 (10) Habitual or excessive use or addiction to alcohol,  
13 narcotics, stimulants, or any other chemical agent or drug  
14 that results in the inability to practice with reasonable  
15 judgment, skill, or safety.

16 (11) Having been disciplined by another state, the  
17 District of Columbia, a territory, a foreign nation, or a  
18 governmental agency authorized to impose discipline if at  
19 least one of the grounds for the discipline is the same or  
20 substantially equivalent of one of the grounds for which a  
21 licensee may be disciplined under this Act. A certified  
22 copy of the record of the action by the other state or  
23 jurisdiction shall be prima facie evidence thereof.

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

6 (14) Willfully making or filing false records or  
7 reports relating to a licensee's practice, including but  
8 not limited to false records filed with any State or  
9 federal agencies or departments.

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

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

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

23 (18) A finding that licensure has been applied for or  
24 obtained by fraudulent means.

25 (19) Practicing or attempting to practice under a name  
26 other than the full name as shown on the license or any

1 other legally authorized name.

2 (20) Gross overcharging for professional services  
3 including, but not limited to, (i) collection of fees or  
4 moneys for services that are not rendered; and (ii)  
5 charging for services that are not in accordance with the  
6 contract between the licensee and the community  
7 association.

8 (21) Improper commingling of personal and client funds  
9 in violation of this Act or any rules promulgated thereto.

10 (22) Failing to account for or remit any moneys or  
11 documents coming into the licensee's possession that  
12 belong to another person or entity.

13 (23) Giving differential treatment to a person that is  
14 to that person's detriment because of race, color, creed,  
15 sex, religion, or national origin.

16 (24) Performing and charging for services without  
17 reasonable authorization to do so from the person or entity  
18 for whom service is being provided.

19 (25) Failing to make available to the Department, upon  
20 request, any books, records, or forms required by this Act.

21 (26) Purporting to be a supervising community  
22 association manager of a firm without active participation  
23 in the firm.

24 (27) Failing to make available to the Department at the  
25 time of the request any indicia of licensure or  
26 registration issued under this Act.

1           (28) Failing to maintain and deposit funds belonging to  
2           a community association in accordance with subsection (b)  
3           of Section 55 of this Act.

4           (29) Violating the terms of a disciplinary order issued  
5           by the Department.

6           (b) (Blank). ~~In accordance with subdivision (a)(5) of~~  
7 ~~Section 2105-15 of the Department of Professional Regulation~~  
8 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~  
9 ~~2105/2105-15), the Department shall deny a license or renewal~~  
10 ~~authorized by this Act to a person who has defaulted on an~~  
11 ~~educational loan or scholarship provided or guaranteed by the~~  
12 ~~Illinois Student Assistance Commission or any governmental~~  
13 ~~agency of this State.~~

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           terminate only upon a finding by a court that the patient is no  
19           longer subject to involuntary admission or judicial admission  
20           and the issuance of an order so finding and discharging the  
21           patient, and upon the recommendation of the Board to the  
22           Secretary that the licensee be allowed to resume his or her  
23           practice as a licensed community association manager.

24           (d) In accordance with subsection (g) of Section 2105-15 of  
25           the Department of Professional Regulation Law of the Civil  
26           Administrative Code of Illinois (20 ILCS 2105/2105-15), the

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

7 (e) In accordance with subdivision (a)(5) of Section  
8 2105-15 of the Department of Professional Regulation Law of the  
9 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)  
10 and in cases where the Department of Healthcare and Family  
11 Services (formerly Department of Public Aid) has previously  
12 determined that a licensee or a potential licensee is more than  
13 30 days delinquent in the payment of child support and has  
14 subsequently certified the delinquency to the Department may  
15 refuse to issue or renew or may revoke or suspend that person's  
16 license or may take other disciplinary action against that  
17 person based solely upon the certification of delinquency made  
18 by the Department of Healthcare and Family Services.

19 (f) In enforcing this Section, the Department or Board upon  
20 a showing of a possible violation may compel a licensee or an  
21 individual licensed to practice under this Act, or who has  
22 applied for licensure under this Act, to submit to a mental or  
23 physical examination, or both, as required by and at the  
24 expense of the Department. The Department or Board may order  
25 the examining physician to present testimony concerning the  
26 mental or physical examination of the licensee or applicant. No

1 information shall be excluded by reason of any common law or  
2 statutory privilege relating to communications between the  
3 licensee or applicant and the examining physician. The  
4 examining physicians shall be specifically designated by the  
5 Board or Department. The individual to be examined may have, at  
6 his or her own expense, another physician of his or her choice  
7 present during all aspects of this examination. Failure of an  
8 individual to submit to a mental or physical examination, when  
9 directed, shall be grounds for suspension of his or her license  
10 or denial of his or her application or renewal until the  
11 individual submits to the examination if the Department finds,  
12 after notice and hearing, that the refusal to submit to the  
13 examination was without reasonable cause.

14 If the Department or Board finds an individual unable to  
15 practice because of the reasons set forth in this Section, the  
16 Department or Board may require that individual to submit to  
17 care, counseling, or treatment by physicians approved or  
18 designated by the Department or Board, as a condition, term, or  
19 restriction for continued, reinstated, or renewed licensure to  
20 practice; or, in lieu of care, counseling, or treatment, the  
21 Department may file, or the Board may recommend to the  
22 Department to file, a complaint to immediately suspend, revoke,  
23 deny, or otherwise discipline the license of the individual. An  
24 individual whose license was granted, continued, reinstated,  
25 renewed, disciplined or supervised subject to such terms,  
26 conditions, or restrictions, and who fails to comply with such

1 terms, conditions, or restrictions, shall be referred to the  
2 Secretary for a determination as to whether the individual  
3 shall have his or her license suspended immediately, pending a  
4 hearing by the Department.

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

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

19 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;  
20 98-756, eff. 7-16-14.)

21 Section 860. The Detection of Deception Examiners Act is  
22 amended by changing Section 14 as follows:

23 (225 ILCS 430/14) (from Ch. 111, par. 2415)

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



1           Sec. 14. (a) The Department may refuse to issue or renew or  
2 may revoke, suspend, place on probation, reprimand, or take  
3 other disciplinary or non-disciplinary action as the  
4 Department may deem appropriate, including imposing fines not  
5 to exceed \$10,000 for each violation, with regard to any  
6 license for any one or a combination of the following:

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

9           (2) Violations of this Act, or of the rules adopted  
10 under this Act.

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, under  
16 the laws of any jurisdiction of the United States: (i) that  
17 is a felony or (ii) that is a misdemeanor, an essential  
18 element of which is dishonesty, or that is directly related  
19 to the practice of the profession.

20           (4) Making any misrepresentation for the purpose of  
21 obtaining licensure or violating any provision of this Act  
22 or the rules adopted under this Act pertaining to  
23 advertising.

24           (5) Professional incompetence.

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

1           (7) Aiding or assisting another person in violating  
2 this Act or any rule adopted under this Act.

3           (8) Where the license holder has been adjudged mentally  
4 ill, mentally deficient or subject to involuntary  
5 admission as provided in the Mental Health and  
6 Developmental Disabilities Code.

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

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

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

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

20           (13) A finding by the Department that the licensee,  
21 after having his or her license placed on probationary  
22 status, has violated the terms of probation.

23           (14) Willfully making or filing false records or  
24 reports in his or her practice, including, but not limited  
25 to, false records filed with State agencies or departments.

26           (15) Inability to practice the profession with

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

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

8 (17) Practicing under a false or, except as provided by  
9 law, an assumed name.

10 (18) Fraud or 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 (19) Cheating on or attempting to subvert the licensing  
14 examination administered under this Act.

15 All fines imposed under this Section shall be paid within  
16 60 days after the effective date of the order imposing the  
17 fine.

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

1 Administrative Code of Illinois.

2 (c) (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 (d) 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 Civil Administrative  
19 Code of Illinois.

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

1 patient.

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

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

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

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

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

1 of his or her license.

2 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;  
3 98-756, eff. 7-16-14.)

4 Section 865. The Home Inspector License Act is amended by  
5 changing Section 15-10 as follows:

6 (225 ILCS 441/15-10)

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

8 Sec. 15-10. Grounds for disciplinary action.

9 (a) The Department may refuse to issue or renew, or may  
10 revoke, suspend, place on probation, reprimand, or take other  
11 disciplinary or non-disciplinary action as the Department may  
12 deem appropriate, including imposing fines not to exceed  
13 \$25,000 for each violation, with regard to any license for any  
14 one or combination of the following:

15 (1) Fraud or misrepresentation in applying for, or  
16 procuring a license under this Act or in connection with  
17 applying for renewal of a license under this Act.

18 (2) Failing to meet the minimum qualifications for  
19 licensure as a home inspector established by this Act.

20 (3) Paying money, other than for the fees provided for  
21 by this Act, or anything of value to an employee of the  
22 Department to procure licensure under this Act.

23 (4) Conviction by plea of guilty or nolo contendere,  
24 finding of guilt, jury verdict, or entry of judgment or by

1 sentencing of any crime, including, but not limited to,  
2 convictions, preceding sentences of supervision,  
3 conditional discharge, or first offender probation, under  
4 the laws of any jurisdiction of the United States: (i) that  
5 is a felony; (ii) that is a misdemeanor, an essential  
6 element of which is dishonesty, or that is directly related  
7 to the practice of the profession; or (iii) that is a crime  
8 that subjects the licensee to compliance with the  
9 requirements of the Sex Offender Registration Act.

10 (5) Committing an act or omission involving  
11 dishonesty, fraud, or misrepresentation with the intent to  
12 substantially benefit the licensee or another person or  
13 with the intent to substantially injure another person.

14 (6) Violating a provision or standard for the  
15 development or communication of home inspections as  
16 provided in Section 10-5 of this Act or as defined in the  
17 rules.

18 (7) Failing or refusing to exercise reasonable  
19 diligence in the development, reporting, or communication  
20 of a home inspection report, as defined by this Act or the  
21 rules.

22 (8) Violating a provision of this Act or the rules.

23 (9) Having been disciplined by another state, the  
24 District of Columbia, a territory, a foreign nation, a  
25 governmental agency, or any other entity authorized to  
26 impose discipline if at least one of the grounds for that



1 discipline is the same as or substantially equivalent to  
2 one of the grounds for which a licensee may be disciplined  
3 under this Act.

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

7 (11) Accepting an inspection assignment when the  
8 employment itself is contingent upon the home inspector  
9 reporting a predetermined analysis or opinion, or when the  
10 fee to be paid is contingent upon the analysis, opinion, or  
11 conclusion reached or upon the consequences resulting from  
12 the home inspection assignment.

13 (12) Developing home inspection opinions or  
14 conclusions based on the race, color, religion, sex,  
15 national origin, ancestry, age, marital status, family  
16 status, physical or mental disability, or unfavorable  
17 military discharge, as defined under the Illinois Human  
18 Rights Act, of the prospective or present owners or  
19 occupants of the area or property under home inspection.

20 (13) Being adjudicated liable in a civil proceeding on  
21 grounds of fraud, misrepresentation, or deceit. In a  
22 disciplinary proceeding based upon a finding of civil  
23 liability, the home inspector shall be afforded an  
24 opportunity to present mitigating and extenuating  
25 circumstances, but may not collaterally attack the civil  
26 adjudication.

1           (14) Being adjudicated liable in a civil proceeding for  
2 violation of a State or federal fair housing law.

3           (15) Engaging in misleading or untruthful advertising  
4 or using a trade name or insignia of membership in a home  
5 inspection organization of which the licensee is not a  
6 member.

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

9           (17) Failing to include within the home inspection  
10 report the home inspector's license number and the date of  
11 expiration of the license. All home inspectors providing  
12 significant contribution to the development and reporting  
13 of a home inspection must be disclosed in the home  
14 inspection report. It is a violation of this Act for a home  
15 inspector to sign a home inspection report knowing that a  
16 person providing a significant contribution to the report  
17 has not been disclosed in the home inspection report.

18           (18) Advising a client as to whether the client should  
19 or should not engage in a transaction regarding the  
20 residential real property that is the subject of the home  
21 inspection.

22           (19) Performing a home inspection in a manner that  
23 damages or alters the residential real property that is the  
24 subject of the home inspection without the consent of the  
25 owner.

26           (20) Performing a home inspection when the home

1 inspector is providing or may also provide other services  
2 in connection with the residential real property or  
3 transaction, or has an interest in the residential real  
4 property, without providing prior written notice of the  
5 potential or actual conflict and obtaining the prior  
6 consent of the client as provided by rule.

7 (21) Aiding or assisting another person in violating  
8 any provision of this Act or rules adopted under this Act.

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

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

16 (24) 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 (25) Charging for professional services not rendered,  
20 including filing false statements for the collection of  
21 fees for which services are not rendered.

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

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

26 (b) The Department may suspend, revoke, or refuse to issue

1 or renew an education provider's license, may reprimand, place  
2 on probation, or otherwise discipline an education provider  
3 licensee, and may suspend or revoke the course approval of any  
4 course offered by an education provider, for any of the  
5 following:

6 (1) Procuring or attempting to procure licensure by  
7 knowingly making a false statement, submitting false  
8 information, making any form of fraud or  
9 misrepresentation, or refusing to provide complete  
10 information in response to a question in an application for  
11 licensure.

12 (2) Failing to comply with the covenants certified to  
13 on the application for licensure as an education provider.

14 (3) Committing an act or omission involving  
15 dishonesty, fraud, or misrepresentation or allowing any  
16 such act or omission by any employee or contractor under  
17 the control of the education provider.

18 (4) Engaging in misleading or untruthful advertising.

19 (5) Failing to retain competent instructors in  
20 accordance with rules adopted under this Act.

21 (6) Failing to meet the topic or time requirements for  
22 course approval as the provider of a pre-license curriculum  
23 course or a continuing education course.

24 (7) Failing to administer an approved course using the  
25 course materials, syllabus, and examinations submitted as  
26 the basis of the course approval.

1           (8) Failing to provide an appropriate classroom  
2 environment for presentation of courses, with  
3 consideration for student comfort, acoustics, lighting,  
4 seating, workspace, and visual aid material.

5           (9) Failing to maintain student records in compliance  
6 with the rules adopted under this Act.

7           (10) Failing to provide a certificate, transcript, or  
8 other student record to the Department or to a student as  
9 may be required by rule.

10           (11) Failing to fully cooperate with a Department  
11 investigation by knowingly making a false statement,  
12 submitting false or misleading information, or refusing to  
13 provide complete information in response to written  
14 interrogatories or a written request for documentation  
15 within 30 days of the request.

16           (c) In appropriate cases, the Department may resolve a  
17 complaint against a licensee through the issuance of a Consent  
18 to Administrative Supervision order. A licensee subject to a  
19 Consent to Administrative Supervision order shall be  
20 considered by the Department as an active licensee in good  
21 standing. This order shall not be reported as or considered by  
22 the Department to be a discipline of the licensee. The records  
23 regarding an investigation and a Consent to Administrative  
24 Supervision order shall be considered confidential and shall  
25 not be released by the Department except as mandated by law.  
26 The complainant shall be notified that his or her complaint has

1 been resolved by a Consent to Administrative Supervision order.

2 (d) The Department may refuse to issue or may suspend  
3 without hearing, as provided for in the Code of Civil  
4 Procedure, the license of any person who fails to file a tax  
5 return, to pay the tax, penalty, or interest shown in a filed  
6 tax return, or to pay any final assessment of tax, penalty, or  
7 interest, as required by any tax Act administered by the  
8 Illinois Department of Revenue, until such time as the  
9 requirements of the tax Act are satisfied in accordance with  
10 subsection (g) of Section 2105-15 of the Civil Administrative  
11 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, upon a showing  
13 of a possible violation, may compel an individual licensed to  
14 practice under this Act, or who has applied for licensure under  
15 this Act, to submit to a mental or physical examination, or  
16 both, as required by and at the expense of the Department. The  
17 Department may order the examining physician to present  
18 testimony concerning the mental or physical examination of the  
19 licensee or applicant. No information shall be excluded by  
20 reason of any common law or statutory privilege relating to  
21 communications between the licensee or applicant and the  
22 examining physician. The examining physician shall be  
23 specifically designated by the Department. The individual to be  
24 examined may have, at his or her own expense, another physician  
25 of his or her choice present during all aspects of this  
26 examination. The examination shall be performed by a physician

1 licensed to practice medicine in all its branches. Failure of  
2 an individual to submit to a mental or physical examination,  
3 when directed, shall result in an automatic suspension without  
4 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  
7 physical or mental illness or disability, including, but not  
8 limited to, deterioration through the aging process or loss of  
9 motor skill, is unable to practice the profession with  
10 reasonable judgment, skill, or safety, may be required by the  
11 Department to submit to care, counseling, or treatment by  
12 physicians approved or designated by the Department as a  
13 condition, term, or restriction for continued, reinstated, or  
14 renewed licensure to practice. Submission to care, counseling,  
15 or treatment as required by the Department shall not be  
16 considered discipline of a license. If the licensee refuses to  
17 enter into a care, counseling, or treatment agreement or fails  
18 to abide by the terms of the agreement, the Department may file  
19 a complaint to revoke, suspend, or otherwise discipline the  
20 license of the individual. The Secretary may order the license  
21 suspended immediately, pending a hearing by the Department.  
22 Fines shall not be assessed in disciplinary actions involving  
23 physical or 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 shall have the authority to review the subject  
3 individual's record of treatment and counseling regarding the  
4 impairment to the extent permitted by applicable federal  
5 statutes and regulations safeguarding the confidentiality of  
6 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 that he or she can resume practice in compliance  
10 with acceptable and prevailing standards under the provisions  
11 of his or her license.

12 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;  
13 98-756, eff. 7-16-14.)

14 (225 ILCS 447/40-35 rep.)

15 Section 870. The Private Detective, Private Alarm, Private  
16 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
17 amended by repealing Section 40-35.

18 Section 875. The Illinois Public Accounting Act is amended  
19 by changing Section 20.01 as follows:

20 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

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

22 Sec. 20.01. Grounds for discipline; license or  
23 registration.

1           (a) The Department may refuse to issue or renew, or may  
2           revoke, suspend, or reprimand any registration or registrant,  
3           any license or licensee, place a licensee or registrant on  
4           probation for a period of time subject to any conditions the  
5           Department may specify including requiring the licensee or  
6           registrant to attend continuing education courses or to work  
7           under the supervision of another licensee or registrant, impose  
8           a fine not to exceed \$10,000 for each violation, restrict the  
9           authorized scope of practice, require a licensee or registrant  
10          to undergo a peer review program, assess costs as provided for  
11          under Section 20.4, or take other disciplinary or  
12          non-disciplinary action for any one or more of the following:

13               (1) Violation of any provision of this Act or rule  
14               adopted by the Department under this Act or violation of  
15               professional standards.

16               (2) Dishonesty, fraud, or deceit in obtaining,  
17               reinstating, or restoring a license or registration.

18               (3) Cancellation, revocation, suspension, denial of  
19               licensure or registration, or refusal to renew a license or  
20               privileges under Section 5.2 for disciplinary reasons in  
21               any other U.S. jurisdiction, unit of government, or  
22               government agency for any cause.

23               (4) Failure, on the part of a licensee under Section 13  
24               or registrant under Section 16, to maintain compliance with  
25               the requirements for issuance or renewal of a license or  
26               registration or to report changes to the Department.

1           (5) Revocation or suspension of the right to practice  
2 by or before any state or federal regulatory authority or  
3 by the Public Company Accounting Oversight Board.

4           (6) Dishonesty, fraud, deceit, or gross negligence in  
5 the performance of services as a licensee or registrant or  
6 individual granted privileges under Section 5.2.

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

16           (8) Performance of any fraudulent act while holding a  
17 license or privilege issued under this Act or prior law.

18           (9) Practicing on a revoked, suspended, or inactive  
19 license or registration.

20           (10) Making or filing a report or record that the  
21 registrant or licensee knows to be false, willfully failing  
22 to file a report or record required by State or federal  
23 law, willfully impeding or obstructing the filing or  
24 inducing another person to impede or obstruct only those  
25 that are signed in the capacity of a licensed CPA or a  
26 registered CPA.

1           (11) Aiding or assisting another person in violating  
2 any provision of this Act or rules promulgated hereunder.

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

6           (13) Habitual or excessive use or abuse of drugs,  
7 alcohol, narcotics, stimulants, or any other substance  
8 that results in the inability to practice with reasonable  
9 skill, judgment, or safety.

10           (14) Directly or indirectly giving to or receiving from  
11 any person, firm, corporation, partnership, or association  
12 any fee, commission, rebate, or other form of compensation  
13 for any professional service not actually rendered.

14           (15) Physical illness, including, but not limited to,  
15 deterioration through the aging process or loss of motor  
16 skill that results in the licensee or registrant's  
17 inability to practice under this Act with reasonable  
18 judgment, skill, or safety.

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

21           (17) Any conduct reflecting adversely upon the  
22 licensee's fitness to perform services while a licensee or  
23 individual granted privileges under Section 5.2.

24           (18) Practicing or attempting to practice under a name  
25 other than the full name as shown on the license or  
26 registration or any other legally authorized name.

1           (19) A finding by the Department that a licensee or  
2           registrant has not complied with a provision of any lawful  
3           order issued by the Department.

4           (20) Making a false statement to the Department  
5           regarding compliance with continuing professional  
6           education or peer review requirements.

7           (21) Failing to make a substantive response to a  
8           request for information by the Department within 30 days of  
9           the request.

10          (b) (Blank).

11          (b-5) All fines or costs imposed under this Section shall  
12          be paid within 60 days after the effective date of the order  
13          imposing the fine or costs or in accordance with the terms set  
14          forth in the order imposing the fine or cost.

15          (c) In cases where the Department of Healthcare and Family  
16          Services has previously determined a licensee or a potential  
17          licensee is more than 30 days delinquent in the payment of  
18          child support and has subsequently certified the delinquency to  
19          the Department, the Department may refuse to issue or renew or  
20          may revoke or suspend that person's license or may take other  
21          disciplinary or non-disciplinary action against that person  
22          based 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           (d) The Department may refuse to issue or may suspend  
2 without hearing, as provided for in the Code of Civil  
3 Procedure, the license or registration of any person who fails  
4 to file a return, to pay a tax, penalty, or interest shown in a  
5 filed return, or to pay any final assessment of tax, penalty,  
6 or interest, as required by any tax Act administered by the  
7 Illinois Department of Revenue, until such time as the  
8 requirements of any such tax Act are satisfied in accordance  
9 with subsection (g) of Section 2105-15 of the Department of  
10 Professional Regulation Law of the Civil Administrative Code of  
11 Illinois.

12           (e) (Blank). ~~The Department shall deny any application for~~  
13 ~~a license, registration, or renewal, without hearing, to any~~  
14 ~~person who has defaulted on an educational loan guaranteed by~~  
15 ~~the Illinois Student Assistance Commission; however, the~~  
16 ~~Department may issue a license, registration, or renewal if the~~  
17 ~~person in default has established a satisfactory repayment~~  
18 ~~record as determined by the Illinois Student Assistance~~  
19 ~~Commission.~~

20           (f) The determination by a court that a licensee or  
21 registrant is subject to involuntary admission or judicial  
22 admission as provided in the Mental Health and Developmental  
23 Disabilities Code will result in the automatic suspension of  
24 his or her license or registration. The licensee or registrant  
25 shall be responsible for notifying the Department of the  
26 determination by the court that the licensee or registrant is

1 subject to involuntary admission or judicial admission as  
2 provided in the Mental Health and Developmental Disabilities  
3 Code. The suspension shall end only upon a finding by a court  
4 that the patient is no longer subject to involuntary admission  
5 or judicial admission, the issuance of an order so finding and  
6 discharging the patient, and the filing of a petition for  
7 restoration demonstrating fitness to practice.

8 (g) In enforcing this Section, the Department, upon a  
9 showing of a possible violation, may compel, any licensee or  
10 registrant or any individual who has applied for licensure  
11 under this Act, to submit to a mental or physical examination  
12 and evaluation, or both, which may include a substance abuse or  
13 sexual offender evaluation, at the expense of the Department.  
14 The Department shall specifically designate the examining  
15 physician licensed to practice medicine in all of its branches  
16 or, if applicable, the multidisciplinary team involved in  
17 providing the mental or physical examination and evaluation, or  
18 both. The multidisciplinary team shall be led by a physician  
19 licensed to practice medicine in all of its branches and may  
20 consist of one or more or a combination of physicians licensed  
21 to practice medicine in all of its branches, licensed  
22 chiropractic physicians, licensed clinical psychologists,  
23 licensed clinical social workers, licensed clinical  
24 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 under this Section to submit  
2 to any additional supplemental testing deemed necessary to  
3 complete any examination or evaluation process, including, but  
4 not limited to, blood testing, urinalysis, psychological  
5 testing, or neuropsychological testing. The Department may  
6 order the examining physician or any member of the  
7 multidisciplinary team to provide to the Department any and all  
8 records, including business records, that relate to the  
9 examination and evaluation, including any supplemental testing  
10 performed. The Department may order the examining physician or  
11 any member of the multidisciplinary team to present testimony  
12 concerning this examination and evaluation of the licensee,  
13 registrant, or applicant, including testimony concerning any  
14 supplemental testing or documents relating to the examination  
15 and evaluation. No information, report, record, or other  
16 documents in any way related to the examination and evaluation  
17 shall be excluded by reason of any common law or statutory  
18 privilege relating to communication between the licensee,  
19 registrant, or applicant and the examining physician or any  
20 member of the multidisciplinary team. No authorization is  
21 necessary from the individual ordered to undergo an evaluation  
22 and examination for the examining physician or any member of  
23 the multidisciplinary team to provide information, reports,  
24 records, or other documents or to provide any testimony  
25 regarding the examination and evaluation.

26 The individual to be examined may have, at his or her own



1 expense, another physician of his or her choice present during  
2 all aspects of the examination. Failure of any individual to  
3 submit to mental or physical examination and evaluation, or  
4 both, when directed, shall result in an automatic suspension,  
5 without hearing, until such time as the individual submits to  
6 the examination. If the Department finds a licensee,  
7 registrant, or applicant unable to practice because of the  
8 reasons set forth in this Section, the Department shall require  
9 such licensee, registrant, or applicant to submit to care,  
10 counseling, or treatment by physicians approved or designated  
11 by the Department, as a condition for continued, reinstated, or  
12 renewed licensure to practice.

13 When the Secretary immediately suspends a license or  
14 registration under this Section, a hearing upon such person's  
15 license or registration must be convened by the Department  
16 within 15 days after such suspension and completed without  
17 appreciable delay. The Department shall have the authority to  
18 review the subject'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 Individuals licensed or registered under this Act,  
23 affected under this Section, shall be afforded an opportunity  
24 to demonstrate to the Department that they can resume practice  
25 in compliance with acceptable and prevailing standards under  
26 the provisions of their license or registration.

1 (Source: P.A. 98-254, eff. 8-9-13.)

2 Section 880. The Real Estate License Act of 2000 is amended  
3 by changing Section 20-20 as follows:

4 (225 ILCS 454/20-20)

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

6 Sec. 20-20. Grounds for discipline.

7 (a) The Department may refuse to issue or renew a license,  
8 may place on probation, suspend, or revoke any license,  
9 reprimand, or take any other disciplinary or non-disciplinary  
10 action as the Department may deem proper and impose a fine not  
11 to exceed \$25,000 upon any licensee or applicant under this Act  
12 or any person who holds himself or herself out as an applicant  
13 or licensee or against a licensee in handling his or her own  
14 property, whether held by deed, option, or otherwise, for any  
15 one or any combination of the following causes:

16 (1) Fraud or misrepresentation in applying for, or  
17 procuring, a license under this Act or in connection with  
18 applying for renewal of a license under this Act.

19 (2) The conviction of or plea of guilty or plea of nolo  
20 contendere to a felony or misdemeanor in this State or any  
21 other jurisdiction; or the entry of an administrative  
22 sanction by a government agency in this State or any other  
23 jurisdiction. Action taken under this paragraph (2) for a  
24 misdemeanor or an administrative sanction is limited to a

1       misdemeanor or administrative sanction that has as an  
2       essential element dishonesty or fraud or involves larceny,  
3       embezzlement, or obtaining money, property, or credit by  
4       false pretenses or by means of a confidence game.

5       (3) Inability to practice the profession with  
6       reasonable judgment, skill, or safety as a result of a  
7       physical illness, including, but not limited to,  
8       deterioration through the aging process or loss of motor  
9       skill, or a mental illness or disability.

10       (4) Practice under this Act as a licensee in a retail  
11       sales establishment from an office, desk, or space that is  
12       not separated from the main retail business by a separate  
13       and distinct area within the establishment.

14       (5) Having been disciplined by another state, the  
15       District of Columbia, a territory, a foreign nation, or a  
16       governmental agency authorized to impose discipline if at  
17       least one of the grounds for that discipline is the same as  
18       or the equivalent of one of the grounds for which a  
19       licensee may be disciplined under this Act. A certified  
20       copy of the record of the action by the other state or  
21       jurisdiction shall be prima facie evidence thereof.

22       (6) Engaging in the practice of real estate brokerage  
23       without a license or after the licensee's license or  
24       temporary permit was expired or while the license was  
25       inoperative.

26       (7) Cheating on or attempting to subvert the Real

1 Estate License Exam or continuing education exam.

2 (8) Aiding or abetting an applicant to subvert or cheat  
3 on the Real Estate License Exam or continuing education  
4 exam administered pursuant to this Act.

5 (9) Advertising that is inaccurate, misleading, or  
6 contrary to the provisions of the Act.

7 (10) Making any substantial misrepresentation or  
8 untruthful advertising.

9 (11) Making any false promises of a character likely to  
10 influence, persuade, or induce.

11 (12) Pursuing a continued and flagrant course of  
12 misrepresentation or the making of false promises through  
13 licensees, employees, agents, advertising, or otherwise.

14 (13) Any misleading or untruthful advertising, or  
15 using any trade name or insignia of membership in any real  
16 estate organization of which the licensee is not a member.

17 (14) Acting for more than one party in a transaction  
18 without providing written notice to all parties for whom  
19 the licensee acts.

20 (15) Representing or attempting to represent a broker  
21 other than the sponsoring broker.

22 (16) Failure to account for or to remit any moneys or  
23 documents coming into his or her possession that belong to  
24 others.

25 (17) Failure to maintain and deposit in a special  
26 account, separate and apart from personal and other

1 business accounts, all escrow moneys belonging to others  
2 entrusted to a licensee while acting as a broker, escrow  
3 agent, or temporary custodian of the funds of others or  
4 failure to maintain all escrow moneys on deposit in the  
5 account until the transactions are consummated or  
6 terminated, except to the extent that the moneys, or any  
7 part thereof, shall be:

8 (A) disbursed prior to the consummation or  
9 termination (i) in accordance with the written  
10 direction of the principals to the transaction or their  
11 duly authorized agents, (ii) in accordance with  
12 directions providing for the release, payment, or  
13 distribution of escrow moneys contained in any written  
14 contract signed by the principals to the transaction or  
15 their duly authorized agents, or (iii) pursuant to an  
16 order of a court of competent jurisdiction; or

17 (B) deemed abandoned and transferred to the Office  
18 of the State Treasurer to be handled as unclaimed  
19 property pursuant to the Revised Uniform Unclaimed  
20 Property Act. Escrow moneys may be deemed abandoned  
21 under this subparagraph (B) only: (i) in the absence of  
22 disbursement under subparagraph (A); (ii) in the  
23 absence of notice of the filing of any claim in a court  
24 of competent jurisdiction; and (iii) if 6 months have  
25 elapsed after the receipt of a written demand for the  
26 escrow moneys from one of the principals to the

1 transaction or the principal's duly authorized agent.  
2 The account shall be noninterest bearing, unless the  
3 character of the deposit is such that payment of interest  
4 thereon is otherwise required by law or unless the  
5 principals to the transaction specifically require, in  
6 writing, that the deposit be placed in an interest bearing  
7 account.

8 (18) Failure to make available to the Department all  
9 escrow records and related documents maintained in  
10 connection with the practice of real estate within 24 hours  
11 of a request for those documents by Department personnel.

12 (19) Failing to furnish copies upon request of  
13 documents relating to a real estate transaction to a party  
14 who has executed that document.

15 (20) Failure of a sponsoring broker to timely provide  
16 information, sponsor cards, or termination of licenses to  
17 the Department.

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

21 (22) Commingling the money or property of others with  
22 his or her own money or property.

23 (23) Employing any person on a purely temporary or  
24 single deal basis as a means of evading the law regarding  
25 payment of commission to nonlicensees on some contemplated  
26 transactions.

1           (24) Permitting the use of his or her license as a  
2 broker to enable a leasing agent or unlicensed person to  
3 operate a real estate business without actual  
4 participation therein and control thereof by the broker.

5           (25) Any other conduct, whether of the same or a  
6 different character from that specified in this Section,  
7 that constitutes dishonest dealing.

8           (26) Displaying a "for rent" or "for sale" sign on any  
9 property without the written consent of an owner or his or  
10 her duly authorized agent or advertising by any means that  
11 any property is for sale or for rent without the written  
12 consent of the owner or his or her authorized agent.

13           (27) Failing to provide information requested by the  
14 Department, or otherwise respond to that request, within 30  
15 days of the request.

16           (28) Advertising by means of a blind advertisement,  
17 except as otherwise permitted in Section 10-30 of this Act.

18           (29) Offering guaranteed sales plans, as defined in  
19 clause (A) of this subdivision (29), except to the extent  
20 hereinafter set forth:

21           (A) A "guaranteed sales plan" is any real estate  
22 purchase or sales plan whereby a licensee enters into a  
23 conditional or unconditional written contract with a  
24 seller, prior to entering into a brokerage agreement  
25 with the seller, by the terms of which a licensee  
26 agrees to purchase a property of the seller within a

1 specified period of time at a specific price in the  
2 event the property is not sold in accordance with the  
3 terms of a brokerage agreement to be entered into  
4 between the sponsoring broker and the seller.

5 (B) A licensee offering a guaranteed sales plan  
6 shall provide the details and conditions of the plan in  
7 writing to the party to whom the plan is offered.

8 (C) A licensee offering a guaranteed sales plan  
9 shall provide to the party to whom the plan is offered  
10 evidence of sufficient financial resources to satisfy  
11 the commitment to purchase undertaken by the broker in  
12 the plan.

13 (D) Any licensee offering a guaranteed sales plan  
14 shall undertake to market the property of the seller  
15 subject to the plan in the same manner in which the  
16 broker would market any other property, unless the  
17 agreement with the seller provides otherwise.

18 (E) The licensee cannot purchase seller's property  
19 until the brokerage agreement has ended according to  
20 its terms or is otherwise terminated.

21 (F) Any licensee who fails to perform on a  
22 guaranteed sales plan in strict accordance with its  
23 terms shall be subject to all the penalties provided in  
24 this Act for violations thereof and, in addition, shall  
25 be subject to a civil fine payable to the party injured  
26 by the default in an amount of up to \$25,000.



1           (30) Influencing or attempting to influence, by any  
2 words or acts, a prospective seller, purchaser, occupant,  
3 landlord, or tenant of real estate, in connection with  
4 viewing, buying, or leasing real estate, so as to promote  
5 or tend to promote the continuance or maintenance of  
6 racially and religiously segregated housing or so as to  
7 retard, obstruct, or discourage racially integrated  
8 housing on or in any street, block, neighborhood, or  
9 community.

10           (31) Engaging in any act that constitutes a violation  
11 of any provision of Article 3 of the Illinois Human Rights  
12 Act, whether or not a complaint has been filed with or  
13 adjudicated by the Human Rights Commission.

14           (32) Inducing any party to a contract of sale or lease  
15 or brokerage agreement to break the contract of sale or  
16 lease or brokerage agreement for the purpose of  
17 substituting, in lieu thereof, a new contract for sale or  
18 lease or brokerage agreement with a third party.

19           (33) Negotiating a sale, exchange, or lease of real  
20 estate directly with any person if the licensee knows that  
21 the person has an exclusive brokerage agreement with  
22 another broker, unless specifically authorized by that  
23 broker.

24           (34) When a licensee is also an attorney, acting as the  
25 attorney for either the buyer or the seller in the same  
26 transaction in which the licensee is acting or has acted as

1 a managing broker or broker.

2 (35) Advertising or offering merchandise or services  
3 as free if any conditions or obligations necessary for  
4 receiving the merchandise or services are not disclosed in  
5 the same advertisement or offer. These conditions or  
6 obligations include without limitation the requirement  
7 that the recipient attend a promotional activity or visit a  
8 real estate site. As used in this subdivision (35), "free"  
9 includes terms such as "award", "prize", "no charge", "free  
10 of charge", "without charge", and similar words or phrases  
11 that reasonably lead a person to believe that he or she may  
12 receive or has been selected to receive something of value,  
13 without any conditions or obligations on the part of the  
14 recipient.

15 (36) (Blank).

16 (37) Violating the terms of a disciplinary order issued  
17 by the Department.

18 (38) Paying or failing to disclose compensation in  
19 violation of Article 10 of this Act.

20 (39) Requiring a party to a transaction who is not a  
21 client of the licensee to allow the licensee to retain a  
22 portion of the escrow moneys for payment of the licensee's  
23 commission or expenses as a condition for release of the  
24 escrow moneys to that party.

25 (40) Disregarding or violating any provision of this  
26 Act or the published rules promulgated by the Department to

1 enforce this Act or aiding or abetting any individual,  
2 partnership, registered limited liability partnership,  
3 limited liability company, or corporation in disregarding  
4 any provision of this Act or the published rules  
5 promulgated by the Department to enforce this Act.

6 (41) Failing to provide the minimum services required  
7 by Section 15-75 of this Act when acting under an exclusive  
8 brokerage agreement.

9 (42) Habitual or excessive use or addiction to alcohol,  
10 narcotics, stimulants, or any other chemical agent or drug  
11 that results in a managing broker, broker, or leasing  
12 agent's inability to practice with reasonable skill or  
13 safety.

14 (43) Enabling, aiding, or abetting an auctioneer, as  
15 defined in the Auction License Act, to conduct a real  
16 estate auction in a manner that is in violation of this  
17 Act.

18 (44) Permitting any leasing agent or temporary leasing  
19 agent permit holder to engage in activities that require a  
20 broker's or managing broker's license.

21 (b) The Department may refuse to issue or renew or may  
22 suspend the license of any person who fails to file a return,  
23 pay the tax, penalty or interest shown in a filed return, or  
24 pay any final assessment of tax, penalty, or interest, as  
25 required by any tax Act administered by the Department of  
26 Revenue, until such time as the requirements of that tax Act

1 are satisfied in accordance with subsection (g) of Section  
2 2105-15 of the Civil Administrative Code of Illinois.

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

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

21 (e) In enforcing this Section, the Department or Board upon  
22 a showing of a possible violation may compel an individual  
23 licensed to practice under this Act, or who has applied for  
24 licensure under this Act, to submit to a mental or physical  
25 examination, or both, as required by and at the expense of the  
26 Department. The Department or Board may order the examining

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

15 If the Department or Board finds an individual unable to  
16 practice because of the reasons set forth in this Section, the  
17 Department or Board may require that individual to submit to  
18 care, counseling, or treatment by physicians approved or  
19 designated by the Department or Board, as a condition, term, or  
20 restriction for continued, reinstated, or renewed licensure to  
21 practice; or, in lieu of care, counseling, or treatment, the  
22 Department may file, or the Board may recommend to the  
23 Department to file, a complaint to immediately suspend, revoke,  
24 or otherwise discipline the license of the individual. An  
25 individual whose license was granted, continued, reinstated,  
26 renewed, disciplined or supervised subject to such terms,

1 conditions, or restrictions, and who fails to comply with such  
2 terms, conditions, or restrictions, shall be referred to the  
3 Secretary for a determination as to whether the individual  
4 shall have his or her license suspended immediately, pending a  
5 hearing by the Department.

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

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

20 (Source: P.A. 99-227, eff. 8-3-15; 100-22, eff. 1-1-18;  
21 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; revised 10-2-17.)

22 (225 ILCS 458/15-45 rep.)

23 Section 885. The Real Estate Appraiser Licensing Act of  
24 2002 is amended by repealing Section 15-45.

1 Section 890. The Radon Industry Licensing Act is amended by  
2 changing Section 45 as follows:

3 (420 ILCS 44/45)

4 Sec. 45. Grounds for disciplinary action. The Agency may  
5 refuse to issue or to renew, or may revoke, suspend, or take  
6 other disciplinary action as the Agency may deem proper,  
7 including fines not to exceed \$1,000 for each violation, with  
8 regard to any license for any one or combination of the  
9 following causes:

10 (a) Violation of this Act or its rules.

11 (b) Conviction of a crime under the laws of any United  
12 States jurisdiction that is a felony or of any crime that  
13 directly relates to the practice of detecting or reducing  
14 the presence of radon or radon progeny. Consideration of  
15 such conviction of an applicant shall be in accordance with  
16 Section 46.

17 (c) Making a misrepresentation for the purpose of  
18 obtaining a license.

19 (d) Professional incompetence or gross negligence in  
20 the practice of detecting or reducing the presence of radon  
21 or radon progeny.

22 (e) Gross malpractice, prima facie evidence of which  
23 may be a conviction or judgment of malpractice in a court  
24 of competent jurisdiction.

25 (f) Aiding or assisting another person in violating a

1 provision of this Act or its rules.

2 (g) Failing, within 60 days, to provide information in  
3 response to a written request made by the Agency that has  
4 been sent by mail to the licensee's last known address.

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

8 (i) Habitual or excessive use or addiction to alcohol,  
9 narcotics, stimulants, or any other chemical agent or drug  
10 that results in the inability to practice with reasonable  
11 judgment, skill, or safety.

12 (j) Discipline by another United States jurisdiction  
13 or foreign nation, if at least one of the grounds for the  
14 discipline is the same or substantially equivalent to those  
15 set forth in this Section.

16 (k) Directly or indirectly giving to or receiving from  
17 a person any fee, commission, rebate, or other form of  
18 compensation for a professional service not actually or  
19 personally rendered.

20 (l) A finding by the Agency that the licensee has  
21 violated the terms of a license.

22 (m) Conviction by a court of competent jurisdiction,  
23 either within or outside of this State, of a violation of a  
24 law governing the practice of detecting or reducing the  
25 presence of radon or radon progeny if the Agency determines  
26 after investigation that the person has not been



1 sufficiently rehabilitated to warrant the public trust.

2 (n) A finding by the Agency that a license has been  
3 applied for or obtained by fraudulent means.

4 (o) Practicing or attempting to practice under a name  
5 other than the full name as shown on the license or any  
6 other authorized name.

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

10 (q) Failure to file a return or to pay the tax,  
11 penalty, or interest shown in a filed return, or to pay any  
12 final assessment of tax, penalty, or interest, as required  
13 by a tax Act administered by the Department of Revenue,  
14 until such time as the requirements of any such tax Act are  
15 satisfied.

16 (r) (Blank). ~~Failure to repay educational loans~~  
17 ~~guaranteed by the Illinois Student Assistance Commission,~~  
18 ~~as provided in Section 80 of the Nuclear Safety Law of~~  
19 ~~2004. However, the Agency may issue an original or renewal~~  
20 ~~license if the person in default has established a~~  
21 ~~satisfactory repayment record as determined by the~~  
22 ~~Illinois Student Assistance Commission.~~

23 (s) Failure to meet child support orders, as provided  
24 in Section 10-65 of the Illinois Administrative Procedure  
25 Act.

26 (t) Failure to pay a fee or civil penalty properly

1           assessed by the Agency.

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

3           Section 900. The Attorney Act is amended by changing  
4           Section 1 as follows:

5           (705 ILCS 205/1) (from Ch. 13, par. 1)

6           Sec. 1. No person shall be permitted to practice as an  
7           attorney or counselor at law within this State without having  
8           previously obtained a license for that purpose from the Supreme  
9           Court of this State.

10          No person shall receive any compensation directly or  
11          indirectly for any legal services other than a regularly  
12          licensed attorney, nor may an unlicensed person advertise or  
13          hold himself or herself out to provide legal services.

14          A license, as provided for herein, constitutes the person  
15          receiving the same an attorney and counselor at law, according  
16          to the law and customs thereof, for and during his good  
17          behavior in the practice and authorizes him to demand and  
18          receive fees for any services which he may render as an  
19          attorney and counselor at law in this State. ~~No person shall be  
20          granted a license or renewal authorized by this Act who has  
21          defaulted on an educational loan guaranteed by the Illinois  
22          Student Assistance Commission; however, a license or renewal  
23          may be issued to the aforementioned persons who have  
24          established a satisfactory repayment record as determined by~~

1 ~~the Illinois Student Assistance Commission.~~ No person shall be  
2 granted a license or renewal authorized by this Act who is more  
3 than 30 days delinquent in complying with a child support  
4 order; a license or renewal may be issued, however, if the  
5 person has established a satisfactory repayment record as  
6 determined (i) by the Department of Healthcare and Family  
7 Services (formerly Illinois Department of Public Aid) for cases  
8 being enforced under Article X of the Illinois Public Aid Code  
9 or (ii) in all other cases by order of court or by written  
10 agreement between the custodial parent and non-custodial  
11 parent. No person shall be refused a license under this Act on  
12 account of sex.

13 Any person practicing, charging or receiving fees for legal  
14 services or advertising or holding himself or herself out to  
15 provide legal services within this State, either directly or  
16 indirectly, without being licensed to practice as herein  
17 required, is guilty of contempt of court and shall be punished  
18 accordingly, upon complaint being filed in any Circuit Court of  
19 this State. The remedies available include, but are not limited  
20 to: (i) appropriate equitable relief; (ii) a civil penalty not  
21 to exceed \$5,000, which shall be paid to the Illinois Equal  
22 Justice Foundation; and (iii) actual damages. Such proceedings  
23 shall be conducted in the Courts of the respective counties  
24 where the alleged contempt has been committed in the same  
25 manner as in cases of indirect contempt and with the right of  
26 review by the parties thereto.

1           The provisions of this Act shall be in addition to other  
2 remedies permitted by law and shall not be construed to deprive  
3 courts of this State of their inherent right to punish for  
4 contempt or to restrain the unauthorized practice of law.

5           Nothing in this Act shall be construed to conflict with,  
6 amend, or modify Section 5 of the Corporation Practice of Law  
7 Prohibition Act or prohibit representation of a party by a  
8 person who is not an attorney in a proceeding before either  
9 panel of the Illinois Labor Relations Board under the Illinois  
10 Public Labor Relations Act, as now or hereafter amended, the  
11 Illinois Educational Labor Relations Board under the Illinois  
12 Educational Labor Relations Act, as now or hereafter amended,  
13 the State Civil Service Commission, the local Civil Service  
14 Commissions, or the University Civil Service Merit Board, to  
15 the extent allowed pursuant to rules and regulations  
16 promulgated by those Boards and Commissions or the giving of  
17 information, training, or advocacy or assistance in any  
18 meetings or administrative proceedings held pursuant to the  
19 federal Individuals with Disabilities Education Act, the  
20 federal Rehabilitation Act of 1973, the federal Americans with  
21 Disabilities Act of 1990, or the federal Social Security Act,  
22 to the extent allowed by those laws or the federal regulations  
23 or State statutes implementing those laws.

24           (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;  
25 95-410, eff. 8-24-07.)

1 Section 905. The Illinois Securities Law of 1953 is amended  
2 by changing Section 8 as follows:

3 (815 ILCS 5/8) (from Ch. 121 1/2, par. 137.8)

4 Sec. 8. Registration of dealers, limited Canadian dealers,  
5 Internet portals, salespersons, investment advisers, and  
6 investment adviser representatives.

7 A. Except as otherwise provided in this subsection A, every  
8 dealer, limited Canadian dealer, salesperson, investment  
9 adviser, and investment adviser representative shall be  
10 registered as such with the Secretary of State. No dealer or  
11 salesperson need be registered as such when offering or selling  
12 securities in transactions exempted by subsection A, B, C, D,  
13 E, G, H, I, J, K, M, O, P, Q, R or S of Section 4 of this Act,  
14 provided that such dealer or salesperson is not regularly  
15 engaged in the business of offering or selling securities in  
16 reliance upon the exemption set forth in subsection G or M of  
17 Section 4 of this Act. No dealer, issuer or controlling person  
18 shall employ a salesperson unless such salesperson is  
19 registered as such with the Secretary of State or is employed  
20 for the purpose of offering or selling securities solely in  
21 transactions exempted by subsection A, B, C, D, E, G, H, I, J,  
22 K, L, M, O, P, Q, R or S of Section 4 of this Act; provided that  
23 such salesperson need not be registered when effecting  
24 transactions in this State limited to those transactions

1 described in Section 15(h)(2) of the Federal 1934 Act or  
2 engaging in the offer or sale of securities in respect of which  
3 he or she has beneficial ownership and is a controlling person.  
4 The Secretary of State may, by rule, regulation or order and  
5 subject to such terms, conditions, and fees as may be  
6 prescribed in such rule, regulation or order, exempt from the  
7 registration requirements of this Section 8 any investment  
8 adviser, if the Secretary of State shall find that such  
9 registration is not necessary in the public interest by reason  
10 of the small number of clients or otherwise limited character  
11 of operation of such investment adviser.

12 B. An application for registration as a dealer or limited  
13 Canadian dealer, executed, verified, or authenticated by or on  
14 behalf of the applicant, shall be filed with the Secretary of  
15 State, in such form as the Secretary of State may by rule,  
16 regulation or order prescribe, setting forth or accompanied by:

17 (1) The name and address of the applicant, the location  
18 of its principal business office and all branch offices, if  
19 any, and the date of its organization;

20 (2) A statement of any other Federal or state licenses  
21 or registrations which have been granted the applicant and  
22 whether any such licenses or registrations have ever been  
23 refused, cancelled, suspended, revoked or withdrawn;

24 (3) The assets and all liabilities, including  
25 contingent liabilities of the applicant, as of a date not

1 more than 60 days prior to the filing of the application;

2 (4) (a) A brief description of any civil or criminal  
3 proceeding of which fraud is an essential element pending  
4 against the applicant and whether the applicant has ever  
5 been convicted of a felony, or of any misdemeanor of which  
6 fraud is an essential element;

7 (b) A list setting forth the name, residence and  
8 business address and a 10 year occupational statement of  
9 each principal of the applicant and a statement describing  
10 briefly any civil or criminal proceedings of which fraud is  
11 an essential element pending against any such principal and  
12 the facts concerning any conviction of any such principal  
13 of a felony, or of any misdemeanor of which fraud is an  
14 essential element;

15 (5) If the applicant is a corporation: a list of its  
16 officers and directors setting forth the residence and  
17 business address of each; a 10-year occupational statement  
18 of each such officer or director; and a statement  
19 describing briefly any civil or criminal proceedings of  
20 which fraud is an essential element pending against each  
21 such officer or director and the facts concerning any  
22 conviction of any officer or director of a felony, or of  
23 any misdemeanor of which fraud is an essential element;

24 (6) If the applicant is a sole proprietorship, a  
25 partnership, limited liability company, an unincorporated  
26 association or any similar form of business organization:

1 the name, residence and business address of the proprietor  
2 or of each partner, member, officer, director, trustee or  
3 manager; the limitations, if any, of the liability of each  
4 such individual; a 10-year occupational statement of each  
5 such individual; a statement describing briefly any civil  
6 or criminal proceedings of which fraud is an essential  
7 element pending against each such individual and the facts  
8 concerning any conviction of any such individual of a  
9 felony, or of any misdemeanor of which fraud is an  
10 essential element;

11 (7) Such additional information as the Secretary of  
12 State may by rule or regulation prescribe as necessary to  
13 determine the applicant's financial responsibility,  
14 business repute and qualification to act as a dealer.

15 (8) (a) No applicant shall be registered or  
16 re-registered as a dealer or limited Canadian dealer under  
17 this Section unless and until each principal of the dealer  
18 has passed an examination conducted by the Secretary of  
19 State or a self-regulatory organization of securities  
20 dealers or similar person, which examination has been  
21 designated by the Secretary of State by rule, regulation or  
22 order to be satisfactory for purposes of determining  
23 whether the applicant has sufficient knowledge of the  
24 securities business and laws relating thereto to act as a  
25 registered dealer. Any dealer who was registered on  
26 September 30, 1963, and has continued to be so registered;



1 and any principal of any registered dealer, who was acting  
2 in such capacity on and continuously since September 30,  
3 1963; and any individual who has previously passed a  
4 securities dealer examination administered by the  
5 Secretary of State or any examination designated by the  
6 Secretary of State to be satisfactory for purposes of  
7 determining whether the applicant has sufficient knowledge  
8 of the securities business and laws relating thereto to act  
9 as a registered dealer by rule, regulation or order, shall  
10 not be required to pass an examination in order to continue  
11 to act in such capacity. The Secretary of State may by  
12 order waive the examination requirement for any principal  
13 of an applicant for registration under this subsection B  
14 who has had such experience or education relating to the  
15 securities business as may be determined by the Secretary  
16 of State to be the equivalent of such examination. Any  
17 request for such a waiver shall be filed with the Secretary  
18 of State in such form as may be prescribed by rule or  
19 regulation.

20 (b) Unless an applicant is a member of the body  
21 corporate known as the Securities Investor Protection  
22 Corporation established pursuant to the Act of Congress of  
23 the United States known as the Securities Investor  
24 Protection Act of 1970, as amended, a member of an  
25 association of dealers registered as a national securities  
26 association pursuant to Section 15A of the Federal 1934

1 Act, or a member of a self-regulatory organization or stock  
2 exchange in Canada which the Secretary of State has  
3 designated by rule or order, an applicant shall not be  
4 registered or re-registered unless and until there is filed  
5 with the Secretary of State evidence that such applicant  
6 has in effect insurance or other equivalent protection for  
7 each client's cash or securities held by such applicant,  
8 and an undertaking that such applicant will continually  
9 maintain such insurance or other protection during the  
10 period of registration or re-registration. Such insurance  
11 or other protection shall be in a form and amount  
12 reasonably prescribed by the Secretary of State by rule or  
13 regulation.

14 (9) The application for the registration of a dealer or  
15 limited Canadian dealer shall be accompanied by a filing  
16 fee and a fee for each branch office in this State, in each  
17 case in the amount established pursuant to Section 11a of  
18 this Act, which fees shall not be returnable in any event.

19 (10) The Secretary of State shall notify the dealer or  
20 limited Canadian dealer by written notice (which may be by  
21 electronic or facsimile transmission) of the effectiveness  
22 of the registration as a dealer in this State.

23 (11) Any change which renders no longer accurate any  
24 information contained in any application for registration  
25 or re-registration of a dealer or limited Canadian dealer  
26 shall be reported to the Secretary of State within 10

1 business days after the occurrence of such change; but in  
2 respect to assets and liabilities only materially adverse  
3 changes need be reported.

4 C. Any registered dealer, limited Canadian dealer, issuer,  
5 or controlling person desiring to register a salesperson shall  
6 file an application with the Secretary of State, in such form  
7 as the Secretary of State may by rule or regulation prescribe,  
8 which the salesperson is required by this Section to provide to  
9 the dealer, issuer, or controlling person, executed, verified,  
10 or authenticated by the salesperson setting forth or  
11 accompanied by:

12 (1) the name, residence and business address of the  
13 salesperson;

14 (2) whether any federal or State license or  
15 registration as dealer, limited Canadian dealer, or  
16 salesperson has ever been refused the salesperson or  
17 cancelled, suspended, revoked, withdrawn, barred, limited,  
18 or otherwise adversely affected in a similar manner or  
19 whether the salesperson has ever been censured or expelled;

20 (3) the nature of employment with, and names and  
21 addresses of, employers of the salesperson for the 10 years  
22 immediately preceding the date of application;

23 (4) a brief description of any civil or criminal  
24 proceedings of which fraud is an essential element pending  
25 against the salesperson, and whether the salesperson has

1 ever been convicted of a felony, or of any misdemeanor of  
2 which fraud is an essential element;

3 (5) such additional information as the Secretary of  
4 State may by rule, regulation or order prescribe as  
5 necessary to determine the salesperson's business repute  
6 and qualification to act as a salesperson; and

7 (6) no individual shall be registered or re-registered  
8 as a salesperson under this Section unless and until such  
9 individual has passed an examination conducted by the  
10 Secretary of State or a self-regulatory organization of  
11 securities dealers or similar person, which examination  
12 has been designated by the Secretary of State by rule,  
13 regulation or order to be satisfactory for purposes of  
14 determining whether the applicant has sufficient knowledge  
15 of the securities business and laws relating thereto to act  
16 as a registered salesperson.

17 Any salesperson who was registered prior to September  
18 30, 1963, and has continued to be so registered, and any  
19 individual who has passed a securities salesperson  
20 examination administered by the Secretary of State or an  
21 examination designated by the Secretary of State by rule,  
22 regulation or order to be satisfactory for purposes of  
23 determining whether the applicant has sufficient knowledge  
24 of the securities business and laws relating thereto to act  
25 as a registered salesperson, shall not be required to pass  
26 an examination in order to continue to act as a

1 salesperson. The Secretary of State may by order waive the  
2 examination requirement for any applicant for registration  
3 under this subsection C who has had such experience or  
4 education relating to the securities business as may be  
5 determined by the Secretary of State to be the equivalent  
6 of such examination. Any request for such a waiver shall be  
7 filed with the Secretary of State in such form as may be  
8 prescribed by rule, regulation or order.

9 (7) The application for registration of a salesperson  
10 shall be accompanied by a filing fee and a Securities Audit  
11 and Enforcement Fund fee, each in the amount established  
12 pursuant to Section 11a of this Act, which shall not be  
13 returnable in any event.

14 (8) Any change which renders no longer accurate any  
15 information contained in any application for registration  
16 or re-registration as a salesperson shall be reported to  
17 the Secretary of State within 10 business days after the  
18 occurrence of such change. If the activities are terminated  
19 which rendered an individual a salesperson for the dealer,  
20 issuer or controlling person, the dealer, issuer or  
21 controlling person, as the case may be, shall notify the  
22 Secretary of State, in writing, within 30 days of the  
23 salesperson's cessation of activities, using the  
24 appropriate termination notice form.

25 (9) A registered salesperson may transfer his or her  
26 registration under this Section 8 for the unexpired term

1           thereof from one registered dealer or limited Canadian  
2           dealer to another by the giving of notice of the transfer  
3           by the new registered dealer or limited Canadian dealer to  
4           the Secretary of State in such form and subject to such  
5           conditions as the Secretary of State shall by rule or  
6           regulation prescribe. The new registered dealer or limited  
7           Canadian dealer shall promptly file an application for  
8           registration of such salesperson as provided in this  
9           subsection C, accompanied by the filing fee prescribed by  
10          paragraph (7) of this subsection C.

11          C-5. Except with respect to federal covered investment  
12          advisers whose only clients are investment companies as defined  
13          in the Federal 1940 Act, other investment advisers, federal  
14          covered investment advisers, or any similar person which the  
15          Secretary of State may prescribe by rule or order, a federal  
16          covered investment adviser shall file with the Secretary of  
17          State, prior to acting as a federal covered investment adviser  
18          in this State, such documents as have been filed with the  
19          Securities and Exchange Commission as the Secretary of State by  
20          rule or order may prescribe. The notification of a federal  
21          covered investment adviser shall be accompanied by a  
22          notification filing fee established pursuant to Section 11a of  
23          this Act, which shall not be returnable in any event. Every  
24          person acting as a federal covered investment adviser in this  
25          State shall file a notification filing and pay an annual

1 notification filing fee established pursuant to Section 11a of  
2 this Act, which is not returnable in any event. The failure to  
3 file any such notification shall constitute a violation of  
4 subsection D of Section 12 of this Act, subject to the  
5 penalties enumerated in Section 14 of this Act. Until October  
6 10, 1999 or other date as may be legally permissible, a federal  
7 covered investment adviser who fails to file the notification  
8 or refuses to pay the fees as required by this subsection shall  
9 register as an investment adviser with the Secretary of State  
10 under Section 8 of this Act. The civil remedies provided for in  
11 subsection A of Section 13 of this Act and the civil remedies  
12 of rescission and appointment of receiver, conservator,  
13 ancillary receiver, or ancillary conservator provided for in  
14 subsection F of Section 13 of this Act shall not be available  
15 against any person by reason of the failure to file any such  
16 notification or to pay the notification fee or on account of  
17 the contents of any such notification.

18 D. An application for registration as an investment  
19 adviser, executed, verified, or authenticated by or on behalf  
20 of the applicant, shall be filed with the Secretary of State,  
21 in such form as the Secretary of State may by rule or  
22 regulation prescribe, setting forth or accompanied by:

23 (1) The name and form of organization under which the  
24 investment adviser engages or intends to engage in  
25 business; the state or country and date of its

1 organization; the location of the adviser's principal  
2 business office and branch offices, if any; the names and  
3 addresses of the adviser's principal, partners, officers,  
4 directors, and persons performing similar functions or, if  
5 the investment adviser is an individual, of the individual;  
6 and the number of the adviser's employees who perform  
7 investment advisory functions;

8 (2) The education, the business affiliations for the  
9 past 10 years, and the present business affiliations of the  
10 investment adviser and of the adviser's principal,  
11 partners, officers, directors, and persons performing  
12 similar functions and of any person controlling the  
13 investment adviser;

14 (3) The nature of the business of the investment  
15 adviser, including the manner of giving advice and  
16 rendering analyses or reports;

17 (4) The nature and scope of the authority of the  
18 investment adviser with respect to clients' funds and  
19 accounts;

20 (5) The basis or bases upon which the investment  
21 adviser is compensated;

22 (6) Whether the investment adviser or any principal,  
23 partner, officer, director, person performing similar  
24 functions or person controlling the investment adviser (i)  
25 within 10 years of the filing of the application has been  
26 convicted of a felony, or of any misdemeanor of which fraud



1 is an essential element, or (ii) is permanently or  
2 temporarily enjoined by order or judgment from acting as an  
3 investment adviser, underwriter, dealer, principal or  
4 salesperson, or from engaging in or continuing any conduct  
5 or practice in connection with any such activity or in  
6 connection with the purchase or sale of any security, and  
7 in each case the facts relating to the conviction, order or  
8 judgment;

9 (7) (a) A statement as to whether the investment  
10 adviser is engaged or is to engage primarily in the  
11 business of rendering investment supervisory services; and

12 (b) A statement that the investment adviser will  
13 furnish his, her, or its clients with such information as  
14 the Secretary of State deems necessary in the form  
15 prescribed by the Secretary of State by rule or regulation;

16 (8) Such additional information as the Secretary of  
17 State may, by rule, regulation or order prescribe as  
18 necessary to determine the applicant's financial  
19 responsibility, business repute and qualification to act  
20 as an investment adviser.

21 (9) No applicant shall be registered or re-registered  
22 as an investment adviser under this Section unless and  
23 until each principal of the applicant who is actively  
24 engaged in the conduct and management of the applicant's  
25 advisory business in this State has passed an examination  
26 or completed an educational program conducted by the

1 Secretary of State or an association of investment advisers  
2 or similar person, which examination or educational  
3 program has been designated by the Secretary of State by  
4 rule, regulation or order to be satisfactory for purposes  
5 of determining whether the applicant has sufficient  
6 knowledge of the securities business and laws relating  
7 thereto to conduct the business of a registered investment  
8 adviser.

9 Any person who was a registered investment adviser  
10 prior to September 30, 1963, and has continued to be so  
11 registered, and any individual who has passed an investment  
12 adviser examination administered by the Secretary of  
13 State, or passed an examination or completed an educational  
14 program designated by the Secretary of State by rule,  
15 regulation or order to be satisfactory for purposes of  
16 determining whether the applicant has sufficient knowledge  
17 of the securities business and laws relating thereto to  
18 conduct the business of a registered investment adviser,  
19 shall not be required to pass an examination or complete an  
20 educational program in order to continue to act as an  
21 investment adviser. The Secretary of State may by order  
22 waive the examination or educational program requirement  
23 for any applicant for registration under this subsection D  
24 if the principal of the applicant who is actively engaged  
25 in the conduct and management of the applicant's advisory  
26 business in this State has had such experience or education

1 relating to the securities business as may be determined by  
2 the Secretary of State to be the equivalent of the  
3 examination or educational program. Any request for a  
4 waiver shall be filed with the Secretary of State in such  
5 form as may be prescribed by rule or regulation.

6 (10) No applicant shall be registered or re-registered  
7 as an investment adviser under this Section 8 unless the  
8 application for registration or re-registration is  
9 accompanied by an application for registration or  
10 re-registration for each person acting as an investment  
11 adviser representative on behalf of the adviser and a  
12 Securities Audit and Enforcement Fund fee that shall not be  
13 returnable in any event is paid with respect to each  
14 investment adviser representative.

15 (11) The application for registration of an investment  
16 adviser shall be accompanied by a filing fee and a fee for  
17 each branch office in this State, in each case in the  
18 amount established pursuant to Section 11a of this Act,  
19 which fees shall not be returnable in any event.

20 (12) The Secretary of State shall notify the investment  
21 adviser by written notice (which may be by electronic or  
22 facsimile transmission) of the effectiveness of the  
23 registration as an investment adviser in this State.

24 (13) Any change which renders no longer accurate any  
25 information contained in any application for registration  
26 or re-registration of an investment adviser shall be

1 reported to the Secretary of State within 10 business days  
2 after the occurrence of the change. In respect to assets  
3 and liabilities of an investment adviser that retains  
4 custody of clients' cash or securities or accepts  
5 pre-payment of fees in excess of \$500 per client and 6 or  
6 more months in advance only materially adverse changes need  
7 be reported by written notice (which may be by electronic  
8 or facsimile transmission) no later than the close of  
9 business on the second business day following the discovery  
10 thereof.

11 (14) Each application for registration as an  
12 investment adviser shall become effective automatically on  
13 the 45th day following the filing of the application,  
14 required documents or information, and payment of the  
15 required fee unless (i) the Secretary of State has  
16 registered the investment adviser prior to that date or  
17 (ii) an action with respect to the applicant is pending  
18 under Section 11 of this Act.

19 D-5. A registered investment adviser or federal covered  
20 investment adviser desiring to register an investment adviser  
21 representative shall file an application with the Secretary of  
22 State, in the form as the Secretary of State may by rule or  
23 order prescribe, which the investment adviser representative  
24 is required by this Section to provide to the investment  
25 adviser, executed, verified, or authenticated by the

1 investment adviser representative and setting forth or  
2 accompanied by:

3 (1) The name, residence, and business address of the  
4 investment adviser representative;

5 (2) A statement whether any federal or state license or  
6 registration as a dealer, salesperson, investment adviser,  
7 or investment adviser representative has ever been  
8 refused, canceled, suspended, revoked or withdrawn;

9 (3) The nature of employment with, and names and  
10 addresses of, employers of the investment adviser  
11 representative for the 10 years immediately preceding the  
12 date of application;

13 (4) A brief description of any civil or criminal  
14 proceedings, of which fraud is an essential element,  
15 pending against the investment adviser representative and  
16 whether the investment adviser representative has ever  
17 been convicted of a felony or of any misdemeanor of which  
18 fraud is an essential element;

19 (5) Such additional information as the Secretary of  
20 State may by rule or order prescribe as necessary to  
21 determine the investment adviser representative's business  
22 repute or qualification to act as an investment adviser  
23 representative;

24 (6) Documentation that the individual has passed an  
25 examination conducted by the Secretary of State, an  
26 organization of investment advisers, or similar person,

1 which examination has been designated by the Secretary of  
2 State by rule or order to be satisfactory for purposes of  
3 determining whether the applicant has sufficient knowledge  
4 of the investment advisory or securities business and laws  
5 relating to that business to act as a registered investment  
6 adviser representative; and

7 (7) A Securities Audit and Enforcement Fund fee  
8 established under Section 11a of this Act, which shall not  
9 be returnable in any event.

10 The Secretary of State may by order waive the examination  
11 requirement for an applicant for registration under this  
12 subsection D-5 who has had the experience or education relating  
13 to the investment advisory or securities business as may be  
14 determined by the Secretary of State to be the equivalent of  
15 the examination. A request for a waiver shall be filed with the  
16 Secretary of State in the form as may be prescribed by rule or  
17 order.

18 A change that renders no longer accurate any information  
19 contained in any application for registration or  
20 re-registration as an investment adviser representative must  
21 be reported to the Secretary of State within 10 business days  
22 after the occurrence of the change. If the activities that  
23 rendered an individual an investment adviser representative  
24 for the investment adviser are terminated, the investment  
25 adviser shall notify the Secretary of State in writing (which  
26 may be by electronic or facsimile transmission), within 30 days

1 of the investment adviser representative's termination, using  
2 the appropriate termination notice form as the Secretary of  
3 State may prescribe by rule or order.

4 A registered investment adviser representative may  
5 transfer his or her registration under this Section 8 for the  
6 unexpired term of the registration from one registered  
7 investment adviser to another by the giving of notice of the  
8 transfer by the new investment adviser to the Secretary of  
9 State in the form and subject to the conditions as the  
10 Secretary of State shall prescribe. The new registered  
11 investment adviser shall promptly file an application for  
12 registration of the investment adviser representative as  
13 provided in this subsection, accompanied by the Securities  
14 Audit and Enforcement Fund fee prescribed by paragraph (7) of  
15 this subsection D-5.

16 E. (1) Subject to the provisions of subsection F of Section  
17 11 of this Act, the registration of a dealer, limited Canadian  
18 dealer, salesperson, investment adviser, or investment adviser  
19 representative may be denied, suspended or revoked if the  
20 Secretary of State finds that the dealer, limited Canadian  
21 dealer, Internet portal, salesperson, investment adviser, or  
22 investment adviser representative or any principal officer,  
23 director, partner, member, trustee, manager or any person who  
24 performs a similar function of the dealer, limited Canadian  
25 dealer, Internet portal, or investment adviser:

1 (a) has been convicted of any felony during the 10 year  
2 period preceding the date of filing of any application for  
3 registration or at any time thereafter, or of any  
4 misdemeanor of which fraud is an essential element;

5 (b) has engaged in any unethical practice in connection  
6 with any security, or in any fraudulent business practice;

7 (c) has failed to account for any money or property, or  
8 has failed to deliver any security, to any person entitled  
9 thereto when due or within a reasonable time thereafter;

10 (d) in the case of a dealer, limited Canadian dealer,  
11 or investment adviser, is insolvent;

12 (e) in the case of a dealer, limited Canadian dealer,  
13 salesperson, or registered principal of a dealer or limited  
14 Canadian dealer (i) has failed reasonably to supervise the  
15 securities activities of any of its salespersons or other  
16 employees and the failure has permitted or facilitated a  
17 violation of Section 12 of this Act or (ii) is offering or  
18 selling or has offered or sold securities in this State  
19 through a salesperson other than a registered salesperson,  
20 or, in the case of a salesperson, is selling or has sold  
21 securities in this State for a dealer, limited Canadian  
22 dealer, issuer or controlling person with knowledge that  
23 the dealer, limited Canadian dealer, issuer or controlling  
24 person has not complied with the provisions of this Act or  
25 (iii) has failed reasonably to supervise the  
26 implementation of compliance measures following notice by



1 the Secretary of State of noncompliance with the Act or  
2 with the regulations promulgated thereunder or both or (iv)  
3 has failed to maintain and enforce written procedures to  
4 supervise the types of business in which it engages and to  
5 supervise the activities of its salespersons that are  
6 reasonably designed to achieve compliance with applicable  
7 securities laws and regulations;

8 (f) in the case of an investment adviser, has failed  
9 reasonably to supervise the advisory activities of any of  
10 its investment adviser representatives or employees and  
11 the failure has permitted or facilitated a violation of  
12 Section 12 of this Act;

13 (g) has violated any of the provisions of this Act;

14 (h) has made any material misrepresentation to the  
15 Secretary of State in connection with any information  
16 deemed necessary by the Secretary of State to determine a  
17 dealer's, limited Canadian dealer's, or investment  
18 adviser's financial responsibility or a dealer's, limited  
19 Canadian dealer's, investment adviser's, salesperson's, or  
20 investment adviser representative's business repute or  
21 qualifications, or has refused to furnish any such  
22 information requested by the Secretary of State;

23 (i) has had a license or registration under any Federal  
24 or State law regulating securities, commodity futures  
25 contracts, or stock futures contracts refused, cancelled,  
26 suspended, withdrawn, revoked, or otherwise adversely

1 affected in a similar manner;

2 (j) has had membership in or association with any  
3 self-regulatory organization registered under the Federal  
4 1934 Act or the Federal 1974 Act suspended, revoked,  
5 refused, expelled, cancelled, barred, limited in any  
6 capacity, or otherwise adversely affected in a similar  
7 manner arising from any fraudulent or deceptive act or a  
8 practice in violation of any rule, regulation or standard  
9 duly promulgated by the self-regulatory organization;

10 (k) has had any order entered against it after notice  
11 and opportunity for hearing by a securities agency of any  
12 state, any foreign government or agency thereof, the  
13 Securities and Exchange Commission, or the Federal  
14 Commodities Futures Trading Commission arising from any  
15 fraudulent or deceptive act or a practice in violation of  
16 any statute, rule or regulation administered or  
17 promulgated by the agency or commission;

18 (l) in the case of a dealer or limited Canadian dealer,  
19 fails to maintain a minimum net capital in an amount which  
20 the Secretary of State may by rule or regulation require;

21 (m) has conducted a continuing course of dealing of  
22 such nature as to demonstrate an inability to properly  
23 conduct the business of the dealer, limited Canadian  
24 dealer, salesperson, investment adviser, or investment  
25 adviser representative;

26 (n) has had, after notice and opportunity for hearing,

1 any injunction or order entered against it or license or  
2 registration refused, cancelled, suspended, revoked,  
3 withdrawn, limited, or otherwise adversely affected in a  
4 similar manner by any state or federal body, agency or  
5 commission regulating banking, insurance, finance or small  
6 loan companies, real estate or mortgage brokers or  
7 companies, if the action resulted from any act found by the  
8 body, agency or commission to be a fraudulent or deceptive  
9 act or practice in violation of any statute, rule or  
10 regulation administered or promulgated by the body, agency  
11 or commission;

12 (o) has failed to file a return, or to pay the tax,  
13 penalty or interest shown in a filed return, or to pay any  
14 final assessment of tax, penalty or interest, as required  
15 by any tax Act administered by the Illinois Department of  
16 Revenue, until such time as the requirements of that tax  
17 Act are satisfied;

18 (p) (blank); ~~in the case of a natural person who is a~~  
19 ~~dealer, limited Canadian dealer, salesperson, investment~~  
20 ~~adviser, or investment adviser representative, has~~  
21 ~~defaulted on an educational loan guaranteed by the Illinois~~  
22 ~~Student Assistance Commission, until the natural person~~  
23 ~~has established a satisfactory repayment record as~~  
24 ~~determined by the Illinois Student Assistance Commission;~~

25 (q) has failed to maintain the books and records  
26 required under this Act or rules or regulations promulgated

1 under this Act or under any requirements established by the  
2 Securities and Exchange Commission or a self-regulatory  
3 organization;

4 (r) has refused to allow or otherwise impeded designees  
5 of the Secretary of State from conducting an audit,  
6 examination, inspection, or investigation provided for  
7 under Section 8 or 11 of this Act;

8 (s) has failed to maintain any minimum net capital or  
9 bond requirement set forth in this Act or any rule or  
10 regulation promulgated under this Act;

11 (t) has refused the Secretary of State or his or her  
12 designee access to any office or location within an office  
13 to conduct an investigation, audit, examination, or  
14 inspection;

15 (u) has advised or caused a public pension fund or  
16 retirement system established under the Illinois Pension  
17 Code to make an investment or engage in a transaction not  
18 authorized by that Code;

19 (v) if a corporation, limited liability company, or  
20 limited liability partnership has been suspended,  
21 canceled, revoked, or has failed to register as a foreign  
22 corporation, limited liability company, or limited  
23 liability partnership with the Secretary of State;

24 (w) is permanently or temporarily enjoined by any court  
25 of competent jurisdiction, including any state, federal,  
26 or foreign government, from engaging in or continuing any

1           conduct or practice involving any aspect of the securities  
2           or commodities business or in any other business where the  
3           conduct or practice enjoined involved investments,  
4           franchises, insurance, banking, or finance;

5           (2) If the Secretary of State finds that any registrant or  
6           applicant for registration is no longer in existence or has  
7           ceased to do business as a dealer, limited Canadian dealer,  
8           Internet portal, salesperson, investment adviser, or  
9           investment adviser representative, or is subject to an  
10          adjudication as a person under legal disability or to the  
11          control of a guardian, or cannot be located after reasonable  
12          search, or has failed after written notice to pay to the  
13          Secretary of State any additional fee prescribed by this  
14          Section or specified by rule or regulation, ~~or if a natural~~  
15          ~~person, has defaulted on an educational loan guaranteed by the~~  
16          ~~Illinois Student Assistance Commission,~~ the Secretary of State  
17          may by order cancel the registration or application.

18          (3) Withdrawal of an application for registration or  
19          withdrawal from registration as a dealer, limited Canadian  
20          dealer, salesperson, investment adviser, or investment adviser  
21          representative becomes effective 30 days after receipt of an  
22          application to withdraw or within such shorter period of time  
23          as the Secretary of State may determine, unless any proceeding  
24          is pending under Section 11 of this Act when the application is  
25          filed or a proceeding is instituted within 30 days after the  
26          application is filed. If a proceeding is pending or instituted,

1 withdrawal becomes effective at such time and upon such  
2 conditions as the Secretary of State by order determines. If no  
3 proceeding is pending or instituted and withdrawal  
4 automatically becomes effective, the Secretary of State may  
5 nevertheless institute a revocation or suspension proceeding  
6 within 2 years after withdrawal became effective and enter a  
7 revocation or suspension order as of the last date on which  
8 registration was effective.

9 F. The Secretary of State shall make available upon request  
10 the date that each dealer, investment adviser, salesperson, or  
11 investment adviser representative was granted registration,  
12 together with the name and address of the dealer, limited  
13 Canadian dealer, or issuer on whose behalf the salesperson is  
14 registered, and all orders of the Secretary of State denying or  
15 abandoning an application, or suspending or revoking  
16 registration, or censuring the persons. The Secretary of State  
17 may designate by rule, regulation or order the statements,  
18 information or reports submitted to or filed with him or her  
19 pursuant to this Section 8 which the Secretary of State  
20 determines are of a sensitive nature and therefore should be  
21 exempt from public disclosure. Any such statement, information  
22 or report shall be deemed confidential and shall not be  
23 disclosed to the public except upon the consent of the person  
24 filing or submitting the statement, information or report or by  
25 order of court or in court proceedings.

1           G. The registration or re-registration of a dealer or  
2 limited Canadian dealer and of all salespersons registered upon  
3 application of the dealer or limited Canadian dealer shall  
4 expire on the next succeeding anniversary date of the  
5 registration or re-registration of the dealer; and the  
6 registration or re-registration of an investment adviser and of  
7 all investment adviser representatives registered upon  
8 application of the investment adviser shall expire on the next  
9 succeeding anniversary date of the registration of the  
10 investment adviser; provided, that the Secretary of State may  
11 by rule or regulation prescribe an alternate date which any  
12 dealer registered under the Federal 1934 Act or a member of any  
13 self-regulatory association approved pursuant thereto, a  
14 member of a self-regulatory organization or stock exchange in  
15 Canada, or any investment adviser may elect as the expiration  
16 date of its dealer or limited Canadian dealer and salesperson  
17 registrations, or the expiration date of its investment adviser  
18 registration, as the case may be. A registration of a  
19 salesperson registered upon application of an issuer or  
20 controlling person shall expire on the next succeeding  
21 anniversary date of the registration, or upon termination or  
22 expiration of the registration of the securities, if any,  
23 designated in the application for his or her registration or  
24 the alternative date as the Secretary may prescribe by rule or  
25 regulation. Subject to paragraph (9) of subsection C of this

1 Section 8, a salesperson's registration also shall terminate  
2 upon cessation of his or her employment, or termination of his  
3 or her appointment or authorization, in each case by the person  
4 who applied for the salesperson's registration, provided that  
5 the Secretary of State may by rule or regulation prescribe an  
6 alternate date for the expiration of the registration.

7 H. Applications for re-registration of dealers, limited  
8 Canadian dealers, Internet portals, salespersons, investment  
9 advisers, and investment adviser representatives shall be  
10 filed with the Secretary of State prior to the expiration of  
11 the then current registration and shall contain such  
12 information as may be required by the Secretary of State upon  
13 initial application with such omission therefrom or addition  
14 thereto as the Secretary of State may authorize or prescribe.  
15 Each application for re-registration of a dealer, limited  
16 Canadian dealer, Internet portal, or investment adviser shall  
17 be accompanied by a filing fee, each application for  
18 re-registration as a salesperson shall be accompanied by a  
19 filing fee and a Securities Audit and Enforcement Fund fee  
20 established pursuant to Section 11a of this Act, and each  
21 application for re-registration as an investment adviser  
22 representative shall be accompanied by a Securities Audit and  
23 Enforcement Fund fee established under Section 11a of this Act,  
24 which shall not be returnable in any event. Notwithstanding the  
25 foregoing, applications for re-registration of dealers,



1 limited Canadian dealers, Internet portals, and investment  
2 advisers may be filed within 30 days following the expiration  
3 of the registration provided that the applicant pays the annual  
4 registration fee together with an additional amount equal to  
5 the annual registration fee and files any other information or  
6 documents that the Secretary of State may prescribe by rule or  
7 regulation or order. Any application filed within 30 days  
8 following the expiration of the registration shall be  
9 automatically effective as of the time of the earlier  
10 expiration provided that the proper fee has been paid to the  
11 Secretary of State.

12 Each registered dealer, limited Canadian dealer, Internet  
13 portal, or investment adviser shall continue to be registered  
14 if the registrant changes his, her, or its form of organization  
15 provided that the dealer or investment adviser files an  
16 amendment to his, her, or its application not later than 30  
17 days following the occurrence of the change and pays the  
18 Secretary of State a fee in the amount established under  
19 Section 11a of this Act.

20 I. (1) Every registered dealer, limited Canadian dealer,  
21 Internet portal, and investment adviser shall make and keep for  
22 such periods, such accounts, correspondence, memoranda,  
23 papers, books and records as the Secretary of State may by rule  
24 or regulation prescribe. All records so required shall be  
25 preserved for 3 years unless the Secretary of State by rule,

1 regulation or order prescribes otherwise for particular types  
2 of records.

3 (2) Every registered dealer, limited Canadian dealer,  
4 Internet portal, and investment adviser shall file such  
5 financial reports as the Secretary of State may by rule or  
6 regulation prescribe.

7 (3) All the books and records referred to in paragraph (1)  
8 of this subsection I are subject at any time or from time to  
9 time to such reasonable periodic, special or other audits,  
10 examinations, or inspections by representatives of the  
11 Secretary of State, within or without this State, as the  
12 Secretary of State deems necessary or appropriate in the public  
13 interest or for the protection of investors.

14 (4) At the time of an audit, examination, or inspection,  
15 the Secretary of State, by his or her designees, may conduct an  
16 interview of any person employed or appointed by or affiliated  
17 with a registered dealer, limited Canadian dealer, Internet  
18 portal, or investment advisor, provided that the dealer,  
19 limited Canadian dealer, Internet portal, or investment  
20 advisor shall be given reasonable notice of the time and place  
21 for the interview. At the option of the dealer, limited  
22 Canadian dealer, Internet portal, or investment advisor, a  
23 representative of the dealer or investment advisor with  
24 supervisory responsibility over the individual being  
25 interviewed may be present at the interview.

1           J. The Secretary of State may require by rule or regulation  
2 the payment of an additional fee for the filing of information  
3 or documents required to be filed by this Section which have  
4 not been filed in a timely manner. The Secretary of State may  
5 also require by rule or regulation the payment of an  
6 examination fee for administering any examination which it may  
7 conduct pursuant to subsection B, C, D, or D-5 of this Section  
8 8.

9           K. The Secretary of State may declare any application for  
10 registration or limited registration under this Section 8  
11 abandoned by order if the applicant fails to pay any fee or  
12 file any information or document required under this Section 8  
13 or by rule or regulation for more than 30 days after the  
14 required payment or filing date. The applicant may petition the  
15 Secretary of State for a hearing within 15 days after the  
16 applicant's receipt of the order of abandonment, provided that  
17 the petition sets forth the grounds upon which the applicant  
18 seeks a hearing.

19           L. Any document being filed pursuant to this Section 8  
20 shall be deemed filed, and any fee being paid pursuant to this  
21 Section 8 shall be deemed paid, upon the date of actual receipt  
22 thereof by the Secretary of State or his or her designee.

23           M. (Blank). ~~The Secretary of State shall provide to the~~

1 ~~Illinois Student Assistance Commission annually or at mutually~~  
2 ~~agreed periodic intervals the names and social security numbers~~  
3 ~~of natural persons registered under subsections B, C, D, and~~  
4 ~~D-5 of this Section. The Illinois Student Assistance Commission~~  
5 ~~shall determine if any student loan defaulter is registered as~~  
6 ~~a dealer, limited Canadian dealer, Internet portal~~  
7 ~~salesperson, or investment adviser under this Act and report~~  
8 ~~its determination to the Secretary of State or his or her~~  
9 ~~designee.~~

10 (Source: P.A. 99-182, eff. 1-1-16.)

11 Section 999. Effective date. This Act takes effect upon  
12 becoming law."