



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 3109

2 AMENDMENT NO. _____. Amend Senate Bill 3109 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 and by adding Section 2105-140 as
7 follows:

8 (20 ILCS 2105/2105-15)

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

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

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

1 (2) To prescribe rules and regulations for a fair and
2 wholly impartial method of examination of candidates to
3 exercise the respective professions, trades, or
4 occupations.

5 (3) To pass upon the qualifications of applicants for
6 licenses, certificates, and authorities, whether by
7 examination, by reciprocity, or by endorsement.

8 (4) To prescribe rules and regulations defining, for
9 the respective professions, trades, and occupations, what
10 shall constitute a school, college, or university, or
11 department of a university, or other institution,
12 reputable and in good standing, and to determine the
13 reputability and good standing of a school, college, or
14 university, or department of a university, or other
15 institution, reputable and in good standing, by reference
16 to a compliance with those rules and regulations; provided,
17 that no school, college, or university, or department of a
18 university, or other institution that refuses admittance
19 to applicants solely on account of race, color, creed, sex,
20 sexual orientation, or national origin shall be considered
21 reputable and in good standing.

22 (5) To conduct hearings on proceedings to revoke,
23 suspend, refuse to renew, place on probationary status, or
24 take other disciplinary action as authorized in any
25 licensing Act administered by the Department with regard to
26 licenses, certificates, or authorities of persons

1 exercising the respective professions, trades, or
2 occupations and to revoke, suspend, refuse to renew, place
3 on probationary status, or take other disciplinary action
4 as authorized in any licensing Act administered by the
5 Department with regard to those licenses, certificates, or
6 authorities.

7 The Department shall issue a monthly disciplinary
8 report.

9 The Department shall deny any license or renewal
10 authorized by the Civil Administrative Code of Illinois to
11 any person who has defaulted on an educational loan or
12 scholarship provided by or guaranteed by the Illinois
13 Student Assistance Commission or any governmental agency
14 of this State; however, the Department may issue a license
15 or renewal if the aforementioned persons have established a
16 satisfactory repayment record as determined by the
17 Illinois Student Assistance Commission or other
18 appropriate governmental agency of this State.
19 Additionally, beginning June 1, 1996, any license issued by
20 the Department may be suspended or revoked if the
21 Department, after the opportunity for a hearing under the
22 appropriate licensing Act, finds that the licensee has
23 failed to make satisfactory repayment to the Illinois
24 Student Assistance Commission for a delinquent or
25 defaulted loan. For the purposes of this Section,
26 "satisfactory repayment record" shall be defined by rule.

1 The Department shall refuse to issue or renew a license
2 to, or shall suspend or revoke a license of, any person
3 who, after receiving notice, fails to comply with a
4 subpoena or warrant relating to a paternity or child
5 support proceeding. However, the Department may issue a
6 license or renewal upon compliance with the subpoena or
7 warrant.

8 The Department, without further process or hearings,
9 shall revoke, suspend, or deny any license or renewal
10 authorized by the Civil Administrative Code of Illinois to
11 a person who is certified by the Department of Healthcare
12 and Family Services (formerly Illinois Department of
13 Public Aid) as being more than 30 days delinquent in
14 complying with a child support order or who is certified by
15 a court as being in violation of the Non-Support Punishment
16 Act for more than 60 days. The Department may, however,
17 issue a license or renewal if the person has established a
18 satisfactory repayment record as determined by the
19 Department of Healthcare and Family Services (formerly
20 Illinois Department of Public Aid) or if the person is
21 determined by the court to be in compliance with the
22 Non-Support Punishment Act. The Department may implement
23 this paragraph as added by Public Act 89-6 through the use
24 of emergency rules in accordance with Section 5-45 of the
25 Illinois Administrative Procedure Act. For purposes of the
26 Illinois Administrative Procedure Act, the adoption of

1 rules to implement this paragraph shall be considered an
2 emergency and necessary for the public interest, safety,
3 and welfare.

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

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

11 (8) To exchange with the Department of Healthcare and
12 Family Services information that may be necessary for the
13 enforcement of child support orders entered pursuant to the
14 Illinois Public Aid Code, the Illinois Marriage and
15 Dissolution of Marriage Act, the Non-Support of Spouse and
16 Children Act, the Non-Support Punishment Act, the Revised
17 Uniform Reciprocal Enforcement of Support Act, the Uniform
18 Interstate Family Support Act, the Illinois Parentage Act
19 of 1984, or the Illinois Parentage Act of 2015.
20 Notwithstanding any provisions in this Code to the
21 contrary, the Department of Professional Regulation shall
22 not be liable under any federal or State law to any person
23 for any disclosure of information to the Department of
24 Healthcare and Family Services (formerly Illinois
25 Department of Public Aid) under this paragraph (8) or for
26 any other action taken in good faith to comply with the

1 requirements of this paragraph (8).

2 (8.5) To accept continuing education credit for
3 mandated reporter training on how to recognize and report
4 child abuse offered by the Department of Children and
5 Family Services and completed by any person who holds a
6 professional license issued by the Department and who is a
7 mandated reporter under the Abused and Neglected Child
8 Reporting Act. The Department shall adopt any rules
9 necessary to implement this paragraph.

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

11 (a-5) Except in cases involving default on an educational
12 loan or scholarship provided by or guaranteed by the Illinois
13 Student Assistance Commission or any governmental agency of
14 this State or in cases involving delinquency in complying with
15 a child support order or violation of the Non-Support
16 Punishment Act and notwithstanding anything that may appear in
17 any individual licensing Act or administrative rule, no person
18 or entity whose license, certificate, or authority has been
19 revoked as authorized in any licensing Act administered by the
20 Department may apply for restoration of that license,
21 certification, or authority until 3 years after the effective
22 date of the revocation.

23 (b) (Blank).

24 (c) For the purpose of securing and preparing evidence, and
25 for the purchase of controlled substances, professional
26 services, and equipment necessary for enforcement activities,

1 recoupment of investigative costs, and other activities
2 directed at suppressing the misuse and abuse of controlled
3 substances, including those activities set forth in Sections
4 504 and 508 of the Illinois Controlled Substances Act, the
5 Director and agents appointed and authorized by the Director
6 may expend sums from the Professional Regulation Evidence Fund
7 that the Director deems necessary from the amounts appropriated
8 for that purpose. Those sums may be advanced to the agent when
9 the Director deems that procedure to be in the public interest.
10 Sums for the purchase of controlled substances, professional
11 services, and equipment necessary for enforcement activities
12 and other activities as set forth in this Section shall be
13 advanced to the agent who is to make the purchase from the
14 Professional Regulation Evidence Fund on vouchers signed by the
15 Director. The Director and those agents are authorized to
16 maintain one or more commercial checking accounts with any
17 State banking corporation or corporations organized under or
18 subject to the Illinois Banking Act for the deposit and
19 withdrawal of moneys to be used for the purposes set forth in
20 this Section; provided, that no check may be written nor any
21 withdrawal made from any such account except upon the written
22 signatures of 2 persons designated by the Director to write
23 those checks and make those withdrawals. Vouchers for those
24 expenditures must be signed by the Director. All such
25 expenditures shall be audited by the Director, and the audit
26 shall be submitted to the Department of Central Management

1 Services for approval.

2 (d) Whenever the Department is authorized or required by
3 law to consider some aspect of criminal history record
4 information for the purpose of carrying out its statutory
5 powers and responsibilities, then, upon request and payment of
6 fees in conformance with the requirements of Section 2605-400
7 of the Department of State Police Law (20 ILCS 2605/2605-400),
8 the Department of State Police is authorized to furnish,
9 pursuant to positive identification, the information contained
10 in State files that is necessary to fulfill the request.

11 (e) The provisions of this Section do not apply to private
12 business and vocational schools as defined by Section 15 of the
13 Private Business and Vocational Schools Act of 2012.

14 (f) (Blank).

15 (f-5) Notwithstanding anything that may appear in any
16 individual licensing statute or administrative rule, the
17 Department shall allow an applicant to provide his or her
18 individual taxpayer identification number as an alternative to
19 providing a social security number when applying for a license.

20 (g) Notwithstanding anything that may appear in any
21 individual licensing statute or administrative rule, the
22 Department shall deny any license application or renewal
23 authorized under any licensing Act administered by the
24 Department to any person who has failed to file a return, or to
25 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 such time as the requirement of any such tax
3 Act are satisfied; however, the Department may issue a license
4 or renewal if the person has established a satisfactory
5 repayment record as determined by the Illinois Department of
6 Revenue. For the purpose of this Section, "satisfactory
7 repayment record" shall be defined by rule.

8 In addition, a complaint filed with the Department by the
9 Illinois Department of Revenue that includes a certification,
10 signed by its Director or designee, attesting to the amount of
11 the unpaid tax liability or the years for which a return was
12 not filed, or both, is prima facie evidence of the licensee's
13 failure to comply with the tax laws administered by the
14 Illinois Department of Revenue. Upon receipt of that
15 certification, the Department shall, without a hearing,
16 immediately suspend all licenses held by the licensee.
17 Enforcement of the Department's order shall be stayed for 60
18 days. The Department shall provide notice of the suspension to
19 the licensee by mailing a copy of the Department's order to the
20 licensee's address of record or emailing a copy of the order to
21 the licensee's email address of record. The notice shall advise
22 the licensee that the suspension shall be effective 60 days
23 after the issuance of the Department's order unless the
24 Department receives, from the licensee, a request for a hearing
25 before the Department to dispute the matters contained in the
26 order.

1 Any suspension imposed under this subsection (g) shall be
2 terminated by the Department upon notification from the
3 Illinois Department of Revenue that the licensee is in
4 compliance with all tax laws administered by the Illinois
5 Department of Revenue.

6 The Department may promulgate rules for the administration
7 of this subsection (g).

8 (h) The Department may grant the title "Retired", to be
9 used immediately adjacent to the title of a profession
10 regulated by the Department, to eligible retirees. For
11 individuals licensed under the Medical Practice Act of 1987,
12 the title "Retired" may be used in the profile required by the
13 Patients' Right to Know Act. The use of the title "Retired"
14 shall not constitute representation of current licensure,
15 registration, or certification. Any person without an active
16 license, registration, or certificate in a profession that
17 requires licensure, registration, or certification shall not
18 be permitted to practice that profession.

19 (i) Within 180 days after December 23, 2009 (the effective
20 date of Public Act 96-852), the Department shall promulgate
21 rules which permit a person with a criminal record, who seeks a
22 license or certificate in an occupation for which a criminal
23 record is not expressly a per se bar, to apply to the
24 Department for a non-binding, advisory opinion to be provided
25 by the Board or body with the authority to issue the license or
26 certificate as to whether his or her criminal record would bar

1 the individual from the licensure or certification sought,
2 should the individual meet all other licensure requirements
3 including, but not limited to, the successful completion of the
4 relevant examinations.

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

8 (20 ILCS 2105/2105-140 new)

9 Sec. 2105-140. Licensure; immigration status. No person
10 shall be denied a license, certificate, limited permit, or
11 registration issued by the Department solely based on his or
12 her citizenship status or immigration status. The General
13 Assembly finds and declares that this Section is a State law
14 within the meaning of subsection (d) of Section 1621 of Title 8
15 of the United States Code. Nothing in this Section shall affect
16 the requirements to obtain a professional license that are not
17 directly related to citizenship status or immigration status.
18 Nothing in this Section shall be construed to grant eligibility
19 for obtaining any public benefit other than a professional
20 license issued by the Department.

21 Section 10. The School Code is amended by changing Section
22 21B-15 as follows:

23 (105 ILCS 5/21B-15)

1 Sec. 21B-15. Qualifications of educators.

2 (a) No one may be licensed to teach or supervise or be
3 otherwise employed in the public schools of this State who is
4 not of good character and at least 19 years of age.

5 In determining good character under this Section, the State
6 Superintendent of Education shall take into consideration the
7 disciplinary actions of other states or national entities
8 against certificates or licenses issued by those states and
9 held by individuals from those states. In addition, any felony
10 conviction of the applicant may be taken into consideration;
11 however, no one may be licensed to teach or supervise in the
12 public schools of this State who has been convicted of (i) an
13 offense set forth in subsection (b) of Section 21B-80 of this
14 Code until 7 years following the end of the sentence for the
15 criminal offense or (ii) an offense set forth in subsection (c)
16 of Section 21B-80 of this Code. Unless the conviction is for an
17 offense set forth in Section 21B-80 of this Code, an applicant
18 must be permitted to submit character references or other
19 written material before such a conviction or other information
20 regarding the applicant's character may be used by the State
21 Superintendent of Education as a basis for denying the
22 application.

23 (b) No person otherwise qualified shall be denied the right
24 to be licensed or to receive training for the purpose of
25 becoming an educator because of a physical disability,
26 including, but not limited to, visual and hearing disabilities;

1 nor shall any school district refuse to employ a teacher on
2 such grounds, provided that the person is able to carry out the
3 duties of the position for which he or she applies.

4 (c) No person may be granted or continue to hold an
5 educator license who has knowingly altered or misrepresented
6 his or her qualifications, in this State or any other state, in
7 order to acquire or renew the license. Any other license issued
8 under this Article held by the person may be suspended or
9 revoked by the State Educator Preparation and Licensure Board,
10 depending upon the severity of the alteration or
11 misrepresentation.

12 (d) No one may teach or supervise in the public schools nor
13 receive for teaching or supervising any part of any public
14 school fund who does not hold an educator license granted by
15 the State Superintendent of Education as provided in this
16 Article. However, the provisions of this Article do not apply
17 to a member of the armed forces who is employed as a teacher of
18 subjects in the Reserve Officers' Training Corps of any school,
19 nor to an individual teaching a dual credit course as provided
20 for in the Dual Credit Quality Act.

21 (e) Notwithstanding any other provision of this Code, the
22 school board of a school district may grant to a teacher of the
23 district a leave of absence with full pay for a period of not
24 more than one year to permit the teacher to teach in a foreign
25 state under the provisions of the Exchange Teacher Program
26 established under Public Law 584, 79th Congress, and Public Law

1 402, 80th Congress, as amended. The school board granting the
2 leave of absence may employ, with or without pay, a national of
3 the foreign state wherein the teacher on the leave of absence
4 is to teach if the national is qualified to teach in that
5 foreign state and if that national is to teach in a grade level
6 similar to the one that was taught in the foreign state. The
7 State Board of Education, in consultation with the State
8 Educator Preparation and Licensure Board, may adopt rules as
9 may be necessary to implement this subsection (e).

10 (f) No person shall be denied a license issued under this
11 Article solely based on his or her citizenship status or
12 immigration status. The General Assembly finds and declares
13 that this subsection (f) is a state law within the meaning of
14 subsection (d) of Section 1621 of Title 8 of the United States
15 Code. Nothing in this subsection shall affect the requirements
16 to obtain a license that are not directly related to
17 citizenship status or immigration status. Nothing in this
18 subsection shall be construed to grant eligibility for
19 obtaining any public benefit other than a license issued under
20 this Article.

21 (Source: P.A. 99-667, eff. 7-29-16; 100-13, eff. 7-1-17.)

22 Section 15. The Pharmacy Practice Act is amended by
23 changing Section 6 as follows:

24 (225 ILCS 85/6) (from Ch. 111, par. 4126)

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

2 Sec. 6. Each individual seeking licensure as a registered
3 pharmacist shall make application to the Department and shall
4 provide evidence of the following:

5 1. (blank); ~~that he or she is a United States citizen~~
6 ~~or legally admitted alien;~~

7 2. that he or she has not engaged in conduct or
8 behavior determined to be grounds for discipline under this
9 Act;

10 3. that he or she is a graduate of a first professional
11 degree program in pharmacy of a university recognized and
12 approved by the Department;

13 4. that he or she has successfully completed a program
14 of practice experience under the direct supervision of a
15 pharmacist in a pharmacy in this State, or in any other
16 State; and

17 5. that he or she has passed an examination recommended
18 by the Board of Pharmacy and authorized by the Department.

19 The Department shall issue a license as a registered
20 pharmacist to any applicant who has qualified as aforesaid and
21 who has filed the required applications and paid the required
22 fees in connection therewith; and such registrant shall have
23 the authority to practice the profession of pharmacy in this
24 State.

25 (Source: P.A. 95-689, eff. 10-29-07.)

1 Section 20. The Attorney Act is amended by changing Section
2 2 as follows:

3 (705 ILCS 205/2) (from Ch. 13, par. 2)

4 Sec. 2. Licensing of noncitizens.

5 (a) No person shall be prohibited from receiving a license
6 solely based on his or her citizenship status or immigration
7 status because he or she is not a citizen of the United States.
8 The General Assembly finds and declares that this subsection
9 (a) is a state law within the meaning of subsection (d) of
10 Section 1621 of Title 8 of the United States Code.

11 (b) Nothing in this Section shall affect the requirements
12 to obtain a license that are not directly related to
13 citizenship status or immigration status. Nothing in this
14 Section shall be construed to grant eligibility for obtaining
15 any public benefit other than a license to practice law. The
16 Supreme Court of this State may grant a license to a person
17 who, in addition to fulfilling the requirements to practice law
18 within this State, satisfies the following requirements:

19 ~~(1) the United States Department of Homeland Security~~
20 ~~has approved the person's request for Deferred Action for~~
21 ~~Childhood Arrivals;~~

22 ~~(2) the person's Deferred Action for Childhood~~
23 ~~Arrivals has not expired or has been properly renewed; and~~

24 ~~(3) the person has a current and valid employment~~
25 ~~authorization document issued by the United States~~

1 ~~Citizenship and Immigration Service.~~

2 ~~The General Assembly finds and declares that this~~
3 ~~subsection (b) is a state law within the meaning of subsection~~
4 ~~(d) of Section 1621 of Title 8 of the United States Code.~~

5 (c) The Illinois Supreme Court may promulgate any orders or
6 rules necessary to implement this amendatory Act of the 100th
7 General Assembly ~~this amendatory Act of the 99th General~~
8 ~~Assembly.~~

9 (Source: P.A. 99-419, eff. 1-1-16.)"