



Rep. Kathleen Willis

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1 AMENDMENT TO HOUSE BILL 2710

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2710 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Behavior Analyst Licensing Act.

6 Section 5. Public policy. The practice of applied behavior  
7 analysis is declared to affect the public health, safety, and  
8 welfare and to be subject to regulation in the public interest.  
9 The purpose of this Act is to protect and benefit the public by  
10 setting standards of qualifications, education, training, and  
11 experience for those who seek to obtain a license and hold the  
12 title of "licensed behavior analyst" or "licensed assistant  
13 behavior analyst", to promote high standards of professional  
14 performance for those licensed to practice applied behavior  
15 analysis in the State of Illinois, to protect the public from  
16 the practice of applied behavior analysis by unqualified

1 persons and from unprofessional conduct by persons licensed to  
2 practice applied behavior analysis.

3 Section 10. Definitions. As used in this Act:

4 "Address of record" means the designated address recorded  
5 by the Department in the applicant's or licensee's application  
6 file or license file as maintained by the Department's  
7 licensure maintenance unit.

8 "Board" means the Advisory Board of Behavior Analysts  
9 appointed by the Secretary.

10 "Department" means the Department of Financial and  
11 Professional Regulation.

12 "Email address of record" means the designated email  
13 address recorded by the Department in the applicant's  
14 application file or the licensee's license file as maintained  
15 by the Department's licensure maintenance unit.

16 "Licensed assistant behavior analyst" means an individual  
17 licensed under this Act to engage in practice as an assistant  
18 behavior analyst under the supervision of a licensed behavior  
19 analyst or a licensed clinical psychologist.

20 "Licensed behavior analyst" means an individual licensed  
21 to engage in the practice of applied behavior analysis.

22 "Practice of behavior analysis" means the design,  
23 implementation, and evaluation of instructional and  
24 environmental modifications to produce socially significant  
25 improvement in human behavior. "Practice of behavior analysis"

1 includes the empirical identification of functional relations  
2 between behavior environmental factors, known as functional  
3 assessment and analysis. Applied behavior analysis  
4 interventions are based on scientific research and the direct  
5 observation and measurement of behavior and environment.  
6 Applied behavior analysis interventions utilize contextual  
7 factors, motivating operations, antecedent stimuli, positive  
8 reinforcement, and other procedures to help individuals  
9 develop new behaviors, increase or decrease existing  
10 behaviors, and elicit behaviors under specific environmental  
11 conditions. "Practice of behavior analysis" does not include:

12 (1) the practice of medicine, osteopathic medicine and  
13 surgery, or medical diagnosis or treatment, as regulated by  
14 the Medical Practice Act of 1987;

15 (2) the practice of nursing, as regulated by the Nurse  
16 Practice Act;

17 (3) the practice of speech-language pathology, as  
18 defined in the Illinois Speech-Language Pathology and  
19 Audiology Practice Act;

20 (4) the practice of licensed clinical psychology, as  
21 defined in the Clinical Psychologist Licensing Act;

22 (5) the practice of physical therapy, as defined in the  
23 Illinois Physical Therapy Act;

24 (6) the practice of occupational therapy, as defined in  
25 the Illinois Occupational Therapy Practice Act;

26 (7) psychological testing, including standardized

1 testing for intelligence or personality;

2 (8) diagnosis of a mental or physical disorder;

3 (9) the practice of neuropsychology, psychotherapy,  
4 cognitive therapy, sex therapy, psychoanalysis,  
5 hypnotherapy, and counseling as treatment modalities;

6 (10) the practice of school social work, as provided in  
7 Sections 10-20.65, 14-1.09a, and 34-18.58 of the School  
8 Code;

9 (11) the practice of clinical social work or social  
10 work, as regulated by the Clinical Social Work and Social  
11 Work Practice Act;

12 (12) the practice of professional counseling, as  
13 defined in the Professional Counselor and Clinical  
14 Professional Counselor Licensing and Practice Act; or

15 (13) the practice of marriage and family therapy, as  
16 defined in the Marriage and Family Therapy Licensing Act.

17 "Secretary" means the Secretary of Financial and  
18 Professional Regulation.

19 Section 15. Address of record; email address of record. All  
20 applicants and licensees shall:

21 (1) provide a valid address and email address to the  
22 Department, which shall serve as the address of record and  
23 email address of record, respectively, at the time of  
24 application for licensure or renewal of a license; and

25 (2) inform the Department of any change of address of

1 record or email address of record within 14 days after such  
2 change, either through the Department's website or by  
3 contacting the Department's licensure maintenance unit.

4 Section 20. License required; exemptions.

5 (a) Beginning 24 months after the effective date of this  
6 Act, an individual shall not engage in the practice of applied  
7 behavior analysis unless licensed under this Act or covered by  
8 an exemption under subsection (c).

9 (a-5) An individual licensed under this Act as an assistant  
10 behavior analyst shall not engage in the practice of applied  
11 behavior analysis unless supervised by a licensed clinical  
12 psychologist.

13 (b) Beginning 24 months after the effective date of this  
14 Act, an individual shall not use the title "licensed behavior  
15 analyst", "L.B.A.", "licensed assistant behavior analyst",  
16 "L.A.B.A.", or similar words or letters indicating he or she is  
17 licensed as a behavior analyst or assistant behavior analyst  
18 unless he or she is actually licensed under this Act.

19 (c) This Act does not prohibit any of the following:

20 (1) Self-care by a patient or uncompensated care by a  
21 friend or family member who does not represent or hold  
22 himself or herself out to be a behavior analyst or  
23 assistant behavior analyst.

24 (2) An individual from implementing a behavior  
25 analytic treatment plan under the extended authority,

1 direction, and supervision of a licensed behavior analyst  
2 or licensed assistant behavior analyst.

3 (3) An individual licensed or certified under any other  
4 law of this State from performing activities that are  
5 considered to be the practice of applied behavior analysis  
6 under this Act if the activities are within the  
7 individual's scope of practice and commensurate with his or  
8 her education, training, and experience, so long as the  
9 individual does not use the titles provided in subsection  
10 (b).

11 (4) An individual from performing activities that are  
12 considered to be the practice of applied behavior analysis  
13 under this Act if the activities are with non-humans,  
14 including applied animal behaviorists and animal trainers.  
15 Such an individual may use the title "behavior analyst" but  
16 shall not represent himself or herself as a licensed  
17 behavior analyst or licensed assistant behavior analyst  
18 unless he or she holds a license issued by the State.

19 (5) An individual who provides general applied  
20 behavior analysis services to organizations, so long as the  
21 services are for the benefit of the organizations and do  
22 not involve direct services to individuals. Such an  
23 individual may use the title "behavior analyst" but may not  
24 represent himself or herself as a licensed behavior analyst  
25 or licensed assistant behavior analyst unless he or she  
26 holds a license issued by the State.

1           (6) An individual who is a matriculated student at a  
2 nationally accredited university approved in rules or a  
3 postdoctoral fellow from performing activities that are  
4 considered to be the practice of applied behavior analysis  
5 under this Act if the activities are part of a defined  
6 program of study, course, practicum, internship, or  
7 postdoctoral fellowship, provided that the applied  
8 behavior analysis activities are directly supervised by a  
9 licensed behavior analyst under this Act or a licensed  
10 clinical psychologist.

11           (7) An individual who is not licensed under this Act  
12 from pursuing field experience in the practice of behavior  
13 analysis if the experience is supervised by a licensed  
14 behavior analyst or a licensed psychologist.

15           (8) An individual with a learning behavior specialist  
16 or school support personnel endorsement from the Illinois  
17 State Board of Education, the school district in which the  
18 school is located, or a special education joint agreement  
19 serving the school district in which the school is located  
20 from delivering behavior analytic services in a school  
21 setting when employed by that school as long as those  
22 services are defined in the scope of practice for that  
23 endorsement and that person is not in any manner held out  
24 to the public as a licensed behavior analyst or licensed  
25 assistant behavior analyst.

26           (9) A qualified intellectual disabilities

1 professional, meeting the minimum federal education  
2 requirements outlined in 42 CFR 483.430, who is performing  
3 such duties as required for individuals with intellectual  
4 or developmental disabilities in programs and facilities  
5 regulated by the federal Centers for Medicare and Medicaid  
6 Services, the Department of Human Services, or the  
7 Department of Public Health, so long as the individual does  
8 not use the titles provided in subsection (b).

9 (10) A service provider, designated by the Department  
10 of Human Services, from providing behavior intervention  
11 and treatment, so long as the individual does not use the  
12 titles provided in subsection (b).

13 (d) This Act does not apply to an individual who, on the  
14 effective date of this Act, is engaging in the practice of  
15 applied behavior analysis for the medical assistance program  
16 under the Illinois Public Aid Code and is under the supervision  
17 of a licensed behavior analyst or licensed assistant behavior  
18 analyst and seeking the education, training, and experience  
19 necessary to obtain a license under this Act, so long as such  
20 practice does not continue after 24 months after the effective  
21 date of this Act.

22 Section 23. Applications for original license.  
23 Applications for original licenses shall be made to the  
24 Department on forms or electronically as prescribed by the  
25 Department and accompanied by the required fee, which shall not



1 be refundable. All applications shall contain such information  
2 which, in the judgment of the Department, will enable the  
3 Department to pass on the qualifications of the applicant for a  
4 license as a licensed behavior analyst or licensed assistant  
5 behavior analyst.

6 A license to practice shall not be denied to an applicant  
7 because of the applicant's race, religion, creed, national  
8 origin, political beliefs or activities, age, sex, sexual  
9 orientation, or physical disability that does not affect a  
10 person's ability to practice with reasonable judgment, skill,  
11 or safety.

12 For persons who have successfully completed a graduate  
13 degree from a nationally or regionally accredited university  
14 approved by the Department and can demonstrate that they have  
15 passed a competency examination authorized by the Department  
16 before the effective date of this Act, the Department may allow  
17 those persons to apply for licensure under the terms of this  
18 Act beginning 20 months after the effective date of this Act.

19 Applicants have 3 years after the date of application to  
20 complete the application process. If the process has not been  
21 completed in 3 years, the application shall be denied, the fee  
22 shall be forfeited, and the applicant must reapply and meet the  
23 requirements in effect at the time of reapplication.

24 Section 25. Qualifications for behavior analyst license.

25 (a) A person qualifies to be licensed as a behavior analyst

1 if that person:

2 (1) has applied in writing or electronically on forms  
3 prescribed by the Department;

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

9 (3) demonstrates to the satisfaction of the Department  
10 that he or she has successfully completed a graduate degree  
11 from a nationally or regionally accredited university  
12 approved by the Department and core coursework related to  
13 principles and application of applied behavior analysis;

14 (4) has met the supervised work experience required for  
15 certification as a behavior analyst in effect at the time  
16 the applicant passed the examination required in paragraph  
17 (5);

18 (5) has passed the examination for the practice of  
19 behavior analysis as authorized by the Department; and

20 (6) has paid the required fees.

21 (b) All applicants have 3 years after the date of  
22 application to complete the application process. If the process  
23 has not been completed in 3 years, the application shall be  
24 denied, the fee shall be forfeited, and the applicant must  
25 reapply and meet the requirements in effect at the time of  
26 reapplication.

1 Section 30. Qualifications for assistant behavior analyst  
2 license.

3 (a) A person qualifies to be licensed as an assistant  
4 behavior analyst if that person:

5 (1) has applied in writing or electronically on forms  
6 prescribed by the Department;

7 (2) is of good moral character; in determining good  
8 moral character, the Department may take into  
9 consideration whether the applicant was engaged in conduct  
10 or actions that would constitute grounds for discipline  
11 under this Act;

12 (3) demonstrates to the satisfaction of the Department  
13 completion of a bachelor's degree from a nationally or  
14 regionally accredited university approved by the  
15 Department and core coursework related to principles and  
16 application of applied behavior analysis;

17 (4) has met the supervised work experience required for  
18 certification as an assistant behavior analyst in effect at  
19 the time the applicant passed the examination required in  
20 paragraph (5);

21 (5) has passed the examination for the practice of  
22 behavior analysis as a licensed assistant behavior analyst  
23 as authorized by the Department; and

24 (6) has paid the required fees.

25 (b) Applicants have 3 years after the date of application

1 to complete the application process. If the process has not  
2 been completed in 3 years, the application shall be denied, the  
3 fee shall be forfeited, and the applicant must reapply and meet  
4 the requirements in effect at the time of reapplication.

5 Section 35. Endorsement. The Department may issue a license  
6 as a behavior analyst or assistant behavior analyst to an  
7 applicant licensed under the laws of another jurisdiction if  
8 the requirements for licensure in that jurisdiction are, on the  
9 date of licensure, substantially equivalent to the  
10 requirements of this Act or to any person who, at the time of  
11 his or her licensure, possessed individual qualifications that  
12 were substantially equivalent to the requirements then in force  
13 in this State.

14 An applicant under this Section shall pay the required  
15 fees. An individual applying for licensure as a licensed  
16 behavior analyst or assistant behavior analyst who has been  
17 licensed in another United States jurisdiction for 10  
18 consecutive years without discipline is not required to submit  
19 proof of completion of the education, professional experience,  
20 and supervision required in Section 25 or 30.

21 Individuals with 10 consecutive years of experience must  
22 submit certified verification of licensure from the  
23 jurisdiction in which the applicant practiced and must comply  
24 with all other licensing requirements and pay all required  
25 fees. If the accuracy of any submitted documentation or the

1 relevance or sufficiency of the coursework or experience is  
2 questioned by the Department or the Board because of a lack of  
3 information, discrepancies or conflicts in information given,  
4 or a need for clarification, the applicant seeking licensure  
5 may be required to provide additional information.

6 Applicants under this Section have 3 years after the date  
7 of application to complete the application process. If the  
8 process has not been completed in 3 years, the application  
9 shall be denied, the fee shall be forfeited, and the applicant  
10 must reapply and meet the requirements in effect at the time of  
11 reapplication.

12 Section 40. Advisory Board of Behavior Analysts.

13 (a) The Secretary shall appoint an Advisory Board of  
14 Behavior Analysts consisting of 5 persons who shall serve in an  
15 advisory capacity to the Secretary. The Board shall consist of  
16 the following 5 members appointed by the Secretary: one  
17 licensed behavior analyst holding a doctoral degree, one  
18 licensed assistant behavior analyst, 2 licensed behavior  
19 analysts, and one public member not regulated under this Act or  
20 a similar Act and who clearly represents consumer interests.  
21 The Board shall serve in an advisory capacity.

22 (b) Members shall serve for a term of 4 years each, except  
23 that any person chosen to fill a vacancy shall be appointed  
24 only for the unexpired term of the Board member whom he or she  
25 shall succeed. Upon the expiration of this term of office, a

1 Board member shall continue to serve until a successor is  
2 appointed and qualified. No member shall serve more than 2  
3 consecutive 4-year terms.

4 (c) The membership of the Board should represent racial and  
5 cultural diversity and reasonably reflect representation from  
6 different geographic areas of Illinois.

7 (d) The Secretary may terminate the appointment of any  
8 member for cause.

9 (e) The Secretary may consider the recommendation of the  
10 Board on all matters and questions relating to this Act, such  
11 as: (i) matters relating to continuing education, including the  
12 number of hours necessary for license renewal, waivers for  
13 those unable to meet such requirements, and acceptable course  
14 content and (ii) rules for administration of this Act.

15 (f) The Board shall annually elect one of its members as  
16 chairperson and one as vice chairperson.

17 (g) Members of the Board shall be reimbursed for all  
18 legitimate, necessary, and authorized expenses.

19 (h) A majority of the Board members currently appointed  
20 shall constitute a quorum. A vacancy in the membership of the  
21 Board shall not impair the right of a quorum to perform all of  
22 the duties of the Board.

23 (i) Members of the Board shall have no liability in an  
24 action based upon a disciplinary proceeding or other activity  
25 performed in good faith as a member of the Board.

1           Section 45. Licenses; renewal; restoration; person in  
2 military service; inactive status.

3           (a) The expiration date and renewal period for each license  
4 issued under this Act shall be set by rule. The licensee may  
5 renew a license during the 60-day period preceding its  
6 expiration date by paying the required fee and by demonstrating  
7 compliance with any continuing education requirements. The  
8 Department shall adopt rules establishing minimum requirements  
9 for continuing education and means for verification of the  
10 completion of the continuing education requirements. The  
11 Department may, by rule, specify circumstances under which the  
12 continuing education requirements may be waived.

13           (b) Any person who has permitted a license to expire or who  
14 has a license on inactive status may have it restored by  
15 submitting an application to the Department and filing proof of  
16 fitness, as defined by rule, to have the license restored,  
17 including, if appropriate, evidence that is satisfactory to the  
18 Department certifying the active practice of behavior analysis  
19 in another jurisdiction and by paying the required fee.

20           (c) If the person has not maintained an active practice in  
21 another jurisdiction that is satisfactory to the Department,  
22 the Department shall determine the person's fitness to resume  
23 active status. The Department may also require the person to  
24 complete a specific period of evaluated behavior analysis  
25 experience and may require successful completion of an  
26 examination.

1           (d) Notwithstanding any other provision of this Act, any  
2 person whose license expired while on active duty with the  
3 armed forces of the United States, while called into service or  
4 training with the State Militia or in training or education  
5 under the supervision of the United States government prior to  
6 induction into the military service may have his or her license  
7 restored without paying any renewal fees if, within 2 years  
8 after the honorable termination of that service, training, or  
9 education, except under conditions other than honorable, the  
10 Department is furnished with satisfactory evidence that the  
11 person has been so engaged and that the service, training, or  
12 education has been so terminated.

13           (e) A license to practice shall not be denied any applicant  
14 because of the applicant's race, religion, creed, national  
15 origin, political beliefs or activities, age, sex, sexual  
16 orientation, or physical impairment.

17           (f) The Department shall indicate on each license the  
18 academic degree of the licensee.

19           Section 50. Suspension of license for failure to pay  
20 restitution. The Department, without further process or  
21 hearing, shall suspend the license or other authorization to  
22 practice of any person issued under this Act who has been  
23 certified by court order as not having paid restitution to a  
24 person under Section 8A-3.5 of the Illinois Public Aid Code or  
25 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or



1 the Criminal Code of 2012. A person whose license or other  
2 authorization to practice is suspended under this Section is  
3 prohibited from practicing until the restitution is made in  
4 full.

5 Section 55. Grounds for disciplinary action.

6 (a) The Department may refuse to issue or renew a license,  
7 or may suspend, revoke, place on probation, reprimand, or take  
8 any other disciplinary or non-disciplinary action deemed  
9 appropriate by the Department, including the imposition of  
10 fines not to exceed \$10,000 for each violation, with regard to  
11 any license issued under the provisions of this Act for any one  
12 or a combination of the following grounds:

13 (1) material misstatements in furnishing information  
14 to the Department or to any other State agency or in  
15 furnishing information to any insurance company with  
16 respect to a claim on behalf of a licensee or a patient;

17 (2) violations or negligent or intentional disregard  
18 of this Act or its rules;

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

1 which is dishonesty, or that is directly related to the  
2 practice of behavior analysis;

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

7 (5) professional incompetence;

8 (6) gross negligence in practice under this Act;

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

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

13 (9) engaging in dishonorable, unethical, or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud, or harm the public as defined by the rules of the  
16 Department or violating the rules of professional conduct  
17 adopted by the Department;

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

22 (11) adverse action taken by another state or  
23 jurisdiction if at least one of the grounds for the  
24 discipline is the same or substantially equivalent to those  
25 set forth in this Section;

26 (12) directly or indirectly giving to or receiving from

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

15 (13) a finding by the Department that the licensee,  
16 after having the license placed on probationary status, has  
17 violated the terms of probation or failed to comply with  
18 those terms;

19 (14) abandonment, without cause, of a client;

20 (15) willfully making or filing false records or  
21 reports relating to a licensee's practice, including, but  
22 not limited to, false records filed with federal or State  
23 agencies or departments;

24 (16) willfully failing to report an instance of  
25 suspected child abuse or neglect as required by the Abused  
26 and Neglected Child Reporting Act;

1           (17) 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  
4 upon proof by clear and convincing evidence that the  
5 licensee has caused a child to be an abused child or  
6 neglected child as defined in the Abused and Neglected  
7 Child Reporting Act;

8           (18) physical illness, mental illness, or any other  
9 impairment or disability, including, but not limited to,  
10 deterioration through the aging process, or loss of motor  
11 skills that results in the inability to practice the  
12 profession with reasonable judgment, skill, or safety;

13           (19) solicitation of professional services by using  
14 false or misleading advertising;

15           (20) violation of the Health Care Worker Self-Referral  
16 Act;

17           (21) willfully failing to report an instance of  
18 suspected abuse, neglect, financial exploitation, or  
19 self-neglect of an eligible adult as defined in and  
20 required by the Adult Protective Services Act; or

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

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

11           (c) The Department shall refuse to issue or renew or may  
12 suspend the license of a person who (i) fails to file a return,  
13 pay the tax, penalty, or interest shown in a filed return, or  
14 pay any final assessment of tax, penalty, or interest, as  
15 required by any tax Act administered by the Department of  
16 Revenue, until the requirements of the tax Act are satisfied or  
17 (ii) has failed to pay any court-ordered child support as  
18 determined by a court order or by referral from the Department  
19 of Healthcare and Family Services.

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

1           (1) The Department shall specifically designate the  
2           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 or  
5           both. The multidisciplinary team shall be led by a  
6           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 clinical psychologists, licensed  
10          clinical behavior analysts, licensed clinical professional  
11          counselors, and other professional and administrative  
12          staff. Any examining physician or member of the  
13          multidisciplinary team may require any person ordered to  
14          submit to an examination pursuant to this Section to submit  
15          to any additional supplemental testing deemed necessary to  
16          complete any examination or evaluation process, including,  
17          but not limited to, blood testing, urinalysis,  
18          psychological testing, or neuropsychological testing.

19          (2) The Board or the Department may order the examining  
20          physician or any member of the multidisciplinary team to  
21          present testimony concerning this mental or physical  
22          examination of the licensee or applicant. No information,  
23          report, record, or other documents in any way related to  
24          the examination shall be excluded by reason of any common  
25          law or statutory privilege relating to communications  
26          between the licensee or applicant and the examining

1 physician or any member of the multidisciplinary team. No  
2 authorization is necessary from the licensee or applicant  
3 ordered to undergo an examination for the examining  
4 physician or any member of the multidisciplinary team to  
5 provide information, reports, records, or other documents  
6 or to provide any testimony regarding the examination and  
7 evaluation.

8 (3) The person to be examined may have, at his or her  
9 own expense, another physician of his or her choice present  
10 during all aspects of the examination. However, that  
11 physician shall be present only to observe and may not  
12 interfere in any way with the examination.

13 (4) Failure of any person to submit to a mental or  
14 physical examination without reasonable cause, when  
15 ordered, shall result in an automatic suspension of his or  
16 her license until the person submits to the examination.

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

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

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

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

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



1           Section 60. Illinois Administrative Procedure Act. The  
2 Illinois Administrative Procedure Act is hereby expressly  
3 adopted and incorporated in this Act as if all of the  
4 provisions of the Illinois Administrative Procedure Act were  
5 included in this Act, except that the provision of subsection  
6 (d) of Section 10-65 of the Illinois Administrative Procedure  
7 Act is expressly excluded, which provides that at hearings the  
8 license holder has the right to show compliance with all lawful  
9 requirements for retention, continuation, or renewal of a  
10 license. For the purposes of this Act, the notice required  
11 under Section 10-25 of the Illinois Administrative Procedure  
12 Act is deemed sufficient when served personally upon, mailed to  
13 the last known address of record of, or emailed to the email  
14 address of record of a party.

15           Section 65. Unlicensed practice; violation; civil penalty.

16           (a) Any person who practices, offers to practice, attempts  
17 to practice, or holds himself or herself out to practice as a  
18 licensed behavior analyst or licensed assistant behavior  
19 analyst without being licensed or exempt under this Act shall,  
20 in addition to any other penalty provided by law, pay a civil  
21 penalty to the Department in an amount not to exceed \$10,000  
22 for each offense, as determined by the Department. The civil  
23 penalty shall be assessed by the Department after a hearing is  
24 held in accordance with the provisions set forth in this Act  
25 regarding the provision of a hearing for the discipline of a

1 licensee.

2 (b) The Department may investigate any actual, alleged, or  
3 suspected unlicensed activity.

4 (c) The civil penalty shall be paid within 60 days after  
5 the effective date of the order imposing the civil penalty. The  
6 order shall constitute a final judgment and may be filed and  
7 execution had thereon in the same manner as any judgment from  
8 any court of record.

9 Section 70. Violations; injunction; cease and desist  
10 order.

11 (a) If an individual violates a provision of this Act, the  
12 Secretary may, in the name of the People of the State of  
13 Illinois, through the Attorney General of the State of Illinois  
14 or the State's Attorney of the county in which the violation is  
15 alleged to have occurred, petition for an order enjoining the  
16 violation or for an order enforcing compliance with this Act.  
17 Upon the filing of a verified petition, the court with  
18 appropriate jurisdiction may issue a temporary restraining  
19 order without notice or bond, and may preliminarily and  
20 permanently enjoin the violation. If it is established that the  
21 individual has violated or is violating the injunction, the  
22 court may punish the offender for contempt of court.  
23 Proceedings under this Section are in addition to all other  
24 remedies and penalties provided by this Act.

25 (b) If an individual holds himself or herself out as being

1 a licensed behavior analyst or a licensed assistant behavior  
2 analyst under this Act and is not licensed to do so, then any  
3 licensed behavior analyst, licensed assistant behavior  
4 analyst, interested party, or any person injured thereby may  
5 petition for relief as provided in subsection (a) of this  
6 Section.

7 (c) Whenever, in the opinion of the Department, an  
8 individual violates a provision of this Act, the Department may  
9 issue a rule to show cause why an order to cease and desist  
10 should not be entered against that person. The rule shall  
11 clearly set forth the grounds relied upon by the Department and  
12 shall allow at least 7 days from the date of the rule to file an  
13 answer satisfactory to the Department. Failure to answer to the  
14 satisfaction of the Department shall cause an order to cease  
15 and desist to be issued.

16 Section 75. Powers and duties of the Department.

17 (a) The Department shall exercise the powers and duties  
18 prescribed by the Civil Administrative Code of Illinois for the  
19 administration of licensure Acts and shall exercise other  
20 powers and duties necessary for effectuating the purposes of  
21 this Act.

22 (b) The Department shall adopt rules to administer and  
23 enforce this Act, including, but not limited to, fees for  
24 original licensure and renewal and restoration of licenses, and  
25 may prescribe forms to be issued to implement this Act. At a

1 minimum, the rules adopted by the Department shall include  
2 standards and criteria for licensure and for professional  
3 conduct and discipline. The Department may consult with the  
4 Board in adopting rules. The Department may at any time seek  
5 the advice and expert knowledge of the Board on any matter  
6 relating to the administration of this Act.

7 (c) Subject to the provisions of this Act, the Department  
8 shall:

9 (1) Authorize examinations to ascertain the  
10 qualifications and fitness of applicants for licensing as  
11 licensed behavior analysts or licensed assistant behavior  
12 analysts and pass upon the qualifications of applicants for  
13 licensure by endorsement.

14 (2) Conduct hearings or proceedings to refuse to issue  
15 or renew or to revoke licenses or suspend, place on  
16 probation, censure, or reprimand or take any other  
17 disciplinary or nondisciplinary action with regard to a  
18 person licensed under this Act.

19 (3) Adopt rules required for the administration of this  
20 Act.

21 (d) All information collected by the Department in the  
22 course of an examination or investigation of a licensee or  
23 applicant, including, but not limited to, any complaint against  
24 a licensee filed with the Department and information collected  
25 to investigate any such complaint, shall be maintained for the  
26 confidential use of the Department and shall not be disclosed.

1 The Department may not disclose the information to anyone other  
2 than law enforcement officials, other regulatory agencies that  
3 have an appropriate regulatory interest as determined by the  
4 Secretary, or to a party presenting a lawful subpoena to the  
5 Department. Information and documents disclosed to a federal,  
6 State, county, or local law enforcement agency shall not be  
7 disclosed by the agency for any purpose to any other agency or  
8 person. A formal complaint filed against a licensee by the  
9 Department or any order issued by the Department against a  
10 licensee or applicant shall be a public record, except as  
11 otherwise prohibited by law.

12 Section 80. Investigations; notice; hearing.

13 (a) The Department may investigate the actions of any  
14 applicant or of any person holding or claiming to hold a  
15 license under this Act.

16 (b) The Department shall, before disciplining an applicant  
17 or licensee, at least 30 days prior to the date set for the  
18 hearing: (i) notify, in writing, the accused of the charges  
19 made and the time and place for the hearing on the charges,  
20 (ii) direct him or her to file a written answer to the charges  
21 under oath within 20 days after the service of the notice, and  
22 (iii) inform the applicant or licensee that failure to file an  
23 answer will result in a default being entered against the  
24 applicant or licensee.

25 (c) Written or electronic notice, and any notice in the

1 subsequent proceeding, may be served by personal delivery, by  
2 email, or by mail to the applicant or licensee at his or her  
3 address of record or email address of record.

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

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

20 (f) Notwithstanding any other provision of this Act, the  
21 Secretary has the authority to appoint any attorney duly  
22 licensed to practice law in the State of Illinois to serve as  
23 the hearing officer in any action for refusal to issue or renew  
24 a license or to discipline a licensee. The hearing officer  
25 shall have full authority to conduct the hearing. The hearing  
26 officer shall report his or her findings of fact, conclusions

1 of law, and recommendations to the Board and to the Secretary.

2 Section 85. Subpoenas; depositions; oaths. The Department  
3 shall have the power to subpoena and to bring before it any  
4 person and to take testimony either orally or by deposition, or  
5 both, with the same fees and mileage and in the same manner as  
6 prescribed in civil cases in the courts of this State.

7 The Secretary, the designated hearing officer, and every  
8 member of the Board shall have power to administer oaths to  
9 witnesses at any hearing which the Department is authorized to  
10 conduct, and any other oaths authorized in any Act administered  
11 by the Department.

12 Section 90. Compelling testimony. Any court, upon  
13 application of the Department, designated hearing officer, or  
14 the applicant or licensee against whom proceedings under  
15 Section 55 are pending, may enter an order requiring the  
16 attendance of witnesses and their testimony, and the production  
17 of documents, papers, files, books and records in connection  
18 with any hearing or investigation. The court may compel  
19 obedience to its order by proceedings for contempt.

20 Section 95. Record of proceedings; transcript.

21 (a) The Department, at its expense, shall preserve a record  
22 of all proceedings at any formal hearing of any case. The  
23 notice of hearing, complaint and all other documents in the

1 nature of pleadings and written motions filed in the  
2 proceedings, the transcript of testimony, the report of the  
3 Board, and the orders of the Department shall be the record of  
4 the proceedings. The Department shall furnish a copy of the  
5 record to any person upon payment of the fee required under  
6 Section 2105-115 of the Department of Professional Regulation  
7 Law of the Civil Administrative Code of Illinois.

8 (b) The Board or the hearing officer appointed by the  
9 Secretary shall hear evidence in support of the formal charges  
10 and evidence produced by the licensee. At the conclusion of the  
11 hearing, the Board shall present to the Secretary a written  
12 report of its findings of fact, conclusions of law, and  
13 recommendations.

14 Section 100. Findings and recommendations. At the  
15 conclusion of the hearing the Board shall present to the  
16 Secretary a written report of its findings of fact, conclusions  
17 of law and recommendations. The report shall contain a finding  
18 whether or not the licensee violated this Act or failed to  
19 comply with the conditions required in this Act. The Board  
20 shall specify the nature of the violation or failure to comply,  
21 and shall make its recommendations to the Secretary.

22 The report of findings of fact, conclusions of law, and  
23 recommendation of the Board shall be the basis for the  
24 Department's order or refusal or for the granting of the  
25 license.



1           Section 105. Motion for rehearing. At the conclusion of the  
2 hearing, a copy of the Board or hearing officer's report shall  
3 be served to the applicant or licensee by the Department,  
4 either personally or as provided in this Act for the service of  
5 a notice of hearing. Within 20 calendar days after service, the  
6 applicant or licensee may present to the Department a motion in  
7 writing for a rehearing, which shall specify the particular  
8 grounds for rehearing. The Department may respond to the motion  
9 for rehearing within 20 calendar days after its service on the  
10 Department. If no motion for rehearing is filed, then after the  
11 expiration of the time specified for filing such motion, or  
12 upon denial of a motion for rehearing, the Secretary may enter  
13 an order in accordance with the recommendation of the Board or  
14 hearing officer. If the applicant or licensee orders from the  
15 reporting service and pays for a transcript of the record  
16 within the time for filing a motion for rehearing, the 20-day  
17 period within which a motion may be filed shall commence upon  
18 the delivery of the transcript to the applicant or licensee.

19           Section 110. Restoration. At any time after the successful  
20 completion of a term of probation, suspension, or revocation of  
21 any license, the Department may restore the license to the  
22 licensee upon the written recommendation of the Board unless  
23 after an investigation and hearing the Board or Department  
24 determines that restoration is not in the public interest.

1 Where circumstances of suspension or revocation so indicate,  
2 the Department may require an examination of the licensee prior  
3 to restoring his or her license. No person whose license has  
4 been revoked as authorized in this Act may apply for  
5 restoration of that license until such time as provided for in  
6 the Civil Administrative Code of Illinois.

7 Section 115. Surrender of license. Upon the revocation or  
8 suspension of any license, the licensee shall immediately  
9 surrender his or her license to the Department. If the licensee  
10 fails to do so, the Department shall have the right to seize  
11 the license.

12 Section 120. Summary suspension of a license. The Secretary  
13 may summarily suspend the license of a licensed behavior  
14 analyst or assistant behavior analyst without a hearing  
15 simultaneously with the institution of proceedings for a  
16 hearing provided for in this Act if the Secretary finds that  
17 evidence in his or her possession indicates that a licensee's  
18 continuation in practice would constitute an imminent danger to  
19 the public. In the event the Secretary summarily suspends such  
20 license without a hearing, a hearing by the Board or Department  
21 shall be held within 30 calendar days after the suspension has  
22 occurred.

23 Section 125. Administrative review.

1 (a) All final administrative decisions of the Department  
2 hereunder shall be subject to judicial review pursuant to the  
3 provisions of the Administrative Review Law, and all amendments  
4 and modifications thereof, and the rules adopted pursuant  
5 thereto. The term "administrative decision" is defined as in  
6 Section 3-101 of the Code of Civil Procedure.

7 (b) Proceedings for judicial review shall be commenced in  
8 the circuit court of the county in which the party applying for  
9 review resides, but if the party is not a resident of Illinois,  
10 the venue shall be in Sangamon County.

11 Section 130. Certification of record. The Department shall  
12 not be required to certify any record to the court, file any  
13 answer in court, or otherwise appear in any judicial review  
14 proceedings, unless and until the Department has received from  
15 the plaintiff payment of the costs of furnishing and certifying  
16 the record, which costs shall be determined by the Department.  
17 Failure on the part of the plaintiff to file a receipt in court  
18 shall be grounds for dismissal of the action.

19 Section 135. Fees. The Department shall provide by rule for  
20 a schedule of fees for the administration and enforcement of  
21 this Act, including, but not limited to, original licensure,  
22 registration, renewal, and restoration. The fees shall be  
23 nonrefundable.

24 All fees, fines, and penalties collected under this Act

1 shall be deposited into the General Professions Dedicated Fund  
2 and shall be appropriated to the Department for the ordinary  
3 and contingent expenses of the Department in the administration  
4 of this Act.

5 Section 900. The Regulatory Sunset Act is amended by adding  
6 Section 4.41 as follows:

7 (5 ILCS 80/4.41 new)

8 Sec. 4.41. Act repealed on January 1, 2031. The following  
9 Act is repealed on January 1, 2031:

10 The Behavior Analyst Licensing Act.

11 Section 905. The Adult Protective Services Act is amended  
12 by changing Section 2 as follows:

13 (320 ILCS 20/2) (from Ch. 23, par. 6602)

14 Sec. 2. Definitions. As used in this Act, unless the  
15 context requires otherwise:

16 (a) "Abuse" means causing any physical, mental or sexual  
17 injury to an eligible adult, including exploitation of such  
18 adult's financial resources.

19 Nothing in this Act shall be construed to mean that an  
20 eligible adult is a victim of abuse, neglect, or self-neglect  
21 for the sole reason that he or she is being furnished with or  
22 relies upon treatment by spiritual means through prayer alone,

1 in accordance with the tenets and practices of a recognized  
2 church or religious denomination.

3 Nothing in this Act shall be construed to mean that an  
4 eligible adult is a victim of abuse because of health care  
5 services provided or not provided by licensed health care  
6 professionals.

7 (a-5) "Abuser" means a person who abuses, neglects, or  
8 financially exploits an eligible adult.

9 (a-6) "Adult with disabilities" means a person aged 18  
10 through 59 who resides in a domestic living situation and whose  
11 disability as defined in subsection (c-5) impairs his or her  
12 ability to seek or obtain protection from abuse, neglect, or  
13 exploitation.

14 (a-7) "Caregiver" means a person who either as a result of  
15 a family relationship, voluntarily, or in exchange for  
16 compensation has assumed responsibility for all or a portion of  
17 the care of an eligible adult who needs assistance with  
18 activities of daily living or instrumental activities of daily  
19 living.

20 (b) "Department" means the Department on Aging of the State  
21 of Illinois.

22 (c) "Director" means the Director of the Department.

23 (c-5) "Disability" means a physical or mental disability,  
24 including, but not limited to, a developmental disability, an  
25 intellectual disability, a mental illness as defined under the  
26 Mental Health and Developmental Disabilities Code, or dementia

1 as defined under the Alzheimer's Disease Assistance Act.

2 (d) "Domestic living situation" means a residence where the  
3 eligible adult at the time of the report lives alone or with  
4 his or her family or a caregiver, or others, or other  
5 community-based unlicensed facility, but is not:

6 (1) A licensed facility as defined in Section 1-113 of  
7 the Nursing Home Care Act;

8 (1.5) A facility licensed under the ID/DD Community  
9 Care Act;

10 (1.6) A facility licensed under the MC/DD Act;

11 (1.7) A facility licensed under the Specialized Mental  
12 Health Rehabilitation Act of 2013;

13 (2) A "life care facility" as defined in the Life Care  
14 Facilities Act;

15 (3) A home, institution, or other place operated by the  
16 federal government or agency thereof or by the State of  
17 Illinois;

18 (4) A hospital, sanitarium, or other institution, the  
19 principal activity or business of which is the diagnosis,  
20 care, and treatment of human illness through the  
21 maintenance and operation of organized facilities  
22 therefor, which is required to be licensed under the  
23 Hospital Licensing Act;

24 (5) A "community living facility" as defined in the  
25 Community Living Facilities Licensing Act;

26 (6) (Blank);

1           (7) A "community-integrated living arrangement" as  
2 defined in the Community-Integrated Living Arrangements  
3 Licensure and Certification Act or a "community  
4 residential alternative" as licensed under that Act;

5           (8) An assisted living or shared housing establishment  
6 as defined in the Assisted Living and Shared Housing Act;  
7 or

8           (9) A supportive living facility as described in  
9 Section 5-5.01a of the Illinois Public Aid Code.

10          (e) "Eligible adult" means either an adult with  
11 disabilities aged 18 through 59 or a person aged 60 or older  
12 who resides in a domestic living situation and is, or is  
13 alleged to be, abused, neglected, or financially exploited by  
14 another individual or who neglects himself or herself.  
15 "Eligible adult" also includes an adult who resides in any of  
16 the facilities that are excluded from the definition of  
17 "domestic living situation" under paragraphs (1) through (9) of  
18 subsection (d), if either: (i) the alleged abuse or neglect  
19 occurs outside of the facility and not under facility  
20 supervision and the alleged abuser is a family member,  
21 caregiver, or another person who has a continuing relationship  
22 with the adult; or (ii) the alleged financial exploitation is  
23 perpetrated by a family member, caregiver, or another person  
24 who has a continuing relationship with the adult, but who is  
25 not an employee of the facility where the adult resides.

26          (f) "Emergency" means a situation in which an eligible

1 adult is living in conditions presenting a risk of death or  
2 physical, mental or sexual injury and the provider agency has  
3 reason to believe the eligible adult is unable to consent to  
4 services which would alleviate that risk.

5 (f-1) "Financial exploitation" means the use of an eligible  
6 adult's resources by another to the disadvantage of that adult  
7 or the profit or advantage of a person other than that adult.

8 (f-5) "Mandated reporter" means any of the following  
9 persons while engaged in carrying out their professional  
10 duties:

11 (1) a professional or professional's delegate while  
12 engaged in: (i) social services, (ii) law enforcement,  
13 (iii) education, (iv) the care of an eligible adult or  
14 eligible adults, or (v) any of the occupations required to  
15 be licensed under the Behavior Analyst Licensing Act, the  
16 Clinical Psychologist Licensing Act, the Clinical Social  
17 Work and Social Work Practice Act, the Illinois Dental  
18 Practice Act, the Dietitian Nutritionist Practice Act, the  
19 Marriage and Family Therapy Licensing Act, the Medical  
20 Practice Act of 1987, the Naprapathic Practice Act, the  
21 Nurse Practice Act, the Nursing Home Administrators  
22 Licensing and Disciplinary Act, the Illinois Occupational  
23 Therapy Practice Act, the Illinois Optometric Practice Act  
24 of 1987, the Pharmacy Practice Act, the Illinois Physical  
25 Therapy Act, the Physician Assistant Practice Act of 1987,  
26 the Podiatric Medical Practice Act of 1987, the Respiratory



1 Care Practice Act, the Professional Counselor and Clinical  
2 Professional Counselor Licensing and Practice Act, the  
3 Illinois Speech-Language Pathology and Audiology Practice  
4 Act, the Veterinary Medicine and Surgery Practice Act of  
5 2004, and the Illinois Public Accounting Act;

6 (1.5) an employee of an entity providing developmental  
7 disabilities services or service coordination funded by  
8 the Department of Human Services;

9 (2) an employee of a vocational rehabilitation  
10 facility prescribed or supervised by the Department of  
11 Human Services;

12 (3) an administrator, employee, or person providing  
13 services in or through an unlicensed community based  
14 facility;

15 (4) any religious practitioner who provides treatment  
16 by prayer or spiritual means alone in accordance with the  
17 tenets and practices of a recognized church or religious  
18 denomination, except as to information received in any  
19 confession or sacred communication enjoined by the  
20 discipline of the religious denomination to be held  
21 confidential;

22 (5) field personnel of the Department of Healthcare and  
23 Family Services, Department of Public Health, and  
24 Department of Human Services, and any county or municipal  
25 health department;

26 (6) personnel of the Department of Human Services, the

1 Guardianship and Advocacy Commission, the State Fire  
2 Marshal, local fire departments, the Department on Aging  
3 and its subsidiary Area Agencies on Aging and provider  
4 agencies, and the Office of State Long Term Care Ombudsman;

5 (7) any employee of the State of Illinois not otherwise  
6 specified herein who is involved in providing services to  
7 eligible adults, including professionals providing medical  
8 or rehabilitation services and all other persons having  
9 direct contact with eligible adults;

10 (8) a person who performs the duties of a coroner or  
11 medical examiner; or

12 (9) a person who performs the duties of a paramedic or  
13 an emergency medical technician.

14 (g) "Neglect" means another individual's failure to  
15 provide an eligible adult with or willful withholding from an  
16 eligible adult the necessities of life including, but not  
17 limited to, food, clothing, shelter or health care. This  
18 subsection does not create any new affirmative duty to provide  
19 support to eligible adults. Nothing in this Act shall be  
20 construed to mean that an eligible adult is a victim of neglect  
21 because of health care services provided or not provided by  
22 licensed health care professionals.

23 (h) "Provider agency" means any public or nonprofit agency  
24 in a planning and service area that is selected by the  
25 Department or appointed by the regional administrative agency  
26 with prior approval by the Department on Aging to receive and

1 assess reports of alleged or suspected abuse, neglect, or  
2 financial exploitation. A provider agency is also referenced as  
3 a "designated agency" in this Act.

4 (i) "Regional administrative agency" means any public or  
5 nonprofit agency in a planning and service area that provides  
6 regional oversight and performs functions as set forth in  
7 subsection (b) of Section 3 of this Act. The Department shall  
8 designate an Area Agency on Aging as the regional  
9 administrative agency or, in the event the Area Agency on Aging  
10 in that planning and service area is deemed by the Department  
11 to be unwilling or unable to provide those functions, the  
12 Department may serve as the regional administrative agency or  
13 designate another qualified entity to serve as the regional  
14 administrative agency; any such designation shall be subject to  
15 terms set forth by the Department.

16 (i-5) "Self-neglect" means a condition that is the result  
17 of an eligible adult's inability, due to physical or mental  
18 impairments, or both, or a diminished capacity, to perform  
19 essential self-care tasks that substantially threaten his or  
20 her own health, including: providing essential food, clothing,  
21 shelter, and health care; and obtaining goods and services  
22 necessary to maintain physical health, mental health,  
23 emotional well-being, and general safety. The term includes  
24 compulsive hoarding, which is characterized by the acquisition  
25 and retention of large quantities of items and materials that  
26 produce an extensively cluttered living space, which

1 significantly impairs the performance of essential self-care  
2 tasks or otherwise substantially threatens life or safety.

3 (j) "Substantiated case" means a reported case of alleged  
4 or suspected abuse, neglect, financial exploitation, or  
5 self-neglect in which a provider agency, after assessment,  
6 determines that there is reason to believe abuse, neglect, or  
7 financial exploitation has occurred.

8 (k) "Verified" means a determination that there is "clear  
9 and convincing evidence" that the specific injury or harm  
10 alleged was the result of abuse, neglect, or financial  
11 exploitation.

12 (Source: P.A. 99-180, eff. 7-29-15; 100-641, eff. 1-1-19.)

13 Section 910. The Abused and Neglected Child Reporting Act  
14 is amended by changing Section 4 as follows:

15 (325 ILCS 5/4)

16 Sec. 4. Persons required to report; privileged  
17 communications; transmitting false report.

18 (a) The following persons are required to immediately  
19 report to the Department when they have reasonable cause to  
20 believe that a child known to them in their professional or  
21 official capacities may be an abused child or a neglected  
22 child:

23 (1) Medical personnel, including any: physician  
24 licensed to practice medicine in any of its branches

1 (medical doctor or doctor of osteopathy); resident;  
2 intern; medical administrator or personnel engaged in the  
3 examination, care, and treatment of persons; psychiatrist;  
4 surgeon; dentist; dental hygienist; chiropractic  
5 physician; podiatric physician; physician assistant;  
6 emergency medical technician; acupuncturist; registered  
7 nurse; licensed practical nurse; advanced practice  
8 registered nurse; genetic counselor; respiratory care  
9 practitioner; home health aide; or certified nursing  
10 assistant.

11 (2) Social services and mental health personnel,  
12 including any: licensed professional counselor; licensed  
13 clinical professional counselor; licensed social worker;  
14 licensed clinical social worker; licensed psychologist or  
15 assistant working under the direct supervision of a  
16 psychologist; associate licensed marriage and family  
17 therapist; licensed marriage and family therapist; field  
18 personnel of the Departments of Healthcare and Family  
19 Services, Public Health, Human Services, Human Rights, or  
20 Children and Family Services; supervisor or administrator  
21 of the General Assistance program established under  
22 Article VI of the Illinois Public Aid Code; social services  
23 administrator; or substance abuse treatment personnel.

24 (3) Crisis intervention personnel, including any:  
25 crisis line or hotline personnel; or domestic violence  
26 program personnel.

1           (4) Education personnel, including any: school  
2 personnel (including administrators and certified and  
3 non-certified school employees); personnel of institutions  
4 of higher education; educational advocate assigned to a  
5 child in accordance with the School Code; member of a  
6 school board or the Chicago Board of Education or the  
7 governing body of a private school (but only to the extent  
8 required under subsection (d)); or truant officer.

9           (5) Recreation or athletic program or facility  
10 personnel.

11           (6) Child care personnel, including any: early  
12 intervention provider as defined in the Early Intervention  
13 Services System Act; director or staff assistant of a  
14 nursery school or a child day care center; or foster  
15 parent, homemaker, or child care worker.

16           (7) Law enforcement personnel, including any: law  
17 enforcement officer; field personnel of the Department of  
18 Juvenile Justice; field personnel of the Department of  
19 Corrections; probation officer; or animal control officer  
20 or field investigator of the Department of Agriculture's  
21 Bureau of Animal Health and Welfare.

22           (8) Any funeral home director; funeral home director  
23 and embalmer; funeral home employee; coroner; or medical  
24 examiner.

25           (9) Any member of the clergy.

26           (10) Any physician, physician assistant, registered

1 nurse, licensed practical nurse, medical technician,  
2 certified nursing assistant, licensed social worker,  
3 licensed clinical social worker, licensed behavior  
4 analyst, licensed assistant behavior analyst, or licensed  
5 professional counselor of any office, clinic, or any other  
6 physical location that provides abortions, abortion  
7 referrals, or contraceptives.

8 (b) When 2 or more persons who work within the same  
9 workplace and are required to report under this Act share a  
10 reasonable cause to believe that a child may be an abused or  
11 neglected child, one of those reporters may be designated to  
12 make a single report. The report shall include the names and  
13 contact information for the other mandated reporters sharing  
14 the reasonable cause to believe that a child may be an abused  
15 or neglected child. The designated reporter must provide  
16 written confirmation of the report to those mandated reporters  
17 within 48 hours. If confirmation is not provided, those  
18 mandated reporters are individually responsible for  
19 immediately ensuring a report is made. Nothing in this Section  
20 precludes or may be used to preclude any person from reporting  
21 child abuse or child neglect.

22 (c) (1) As used in this Section, "a child known to them in  
23 their professional or official capacities" means:

24 (A) the mandated reporter comes into contact with the  
25 child in the course of the reporter's employment or  
26 practice of a profession, or through a regularly scheduled

1 program, activity, or service;

2 (B) the mandated reporter is affiliated with an agency,  
3 institution, organization, school, school district,  
4 regularly established church or religious organization, or  
5 other entity that is directly responsible for the care,  
6 supervision, guidance, or training of the child; or

7 (C) a person makes a specific disclosure to the  
8 mandated reporter that an identifiable child is the victim  
9 of child abuse or child neglect, and the disclosure happens  
10 while the mandated reporter is engaged in his or her  
11 employment or practice of a profession, or in a regularly  
12 scheduled program, activity, or service.

13 (2) Nothing in this Section requires a child to come before  
14 the mandated reporter in order for the reporter to make a  
15 report of suspected child abuse or child neglect.

16 (d) If an allegation is raised to a school board member  
17 during the course of an open or closed school board meeting  
18 that a child who is enrolled in the school district of which he  
19 or she is a board member is an abused child as defined in  
20 Section 3 of this Act, the member shall direct or cause the  
21 school board to direct the superintendent of the school  
22 district or other equivalent school administrator to comply  
23 with the requirements of this Act concerning the reporting of  
24 child abuse. For purposes of this paragraph, a school board  
25 member is granted the authority in his or her individual  
26 capacity to direct the superintendent of the school district or



1 other equivalent school administrator to comply with the  
2 requirements of this Act concerning the reporting of child  
3 abuse.

4 Notwithstanding any other provision of this Act, if an  
5 employee of a school district has made a report or caused a  
6 report to be made to the Department under this Act involving  
7 the conduct of a current or former employee of the school  
8 district and a request is made by another school district for  
9 the provision of information concerning the job performance or  
10 qualifications of the current or former employee because he or  
11 she is an applicant for employment with the requesting school  
12 district, the general superintendent of the school district to  
13 which the request is being made must disclose to the requesting  
14 school district the fact that an employee of the school  
15 district has made a report involving the conduct of the  
16 applicant or caused a report to be made to the Department, as  
17 required under this Act. Only the fact that an employee of the  
18 school district has made a report involving the conduct of the  
19 applicant or caused a report to be made to the Department may  
20 be disclosed by the general superintendent of the school  
21 district to which the request for information concerning the  
22 applicant is made, and this fact may be disclosed only in cases  
23 where the employee and the general superintendent have not been  
24 informed by the Department that the allegations were unfounded.  
25 An employee of a school district who is or has been the subject  
26 of a report made pursuant to this Act during his or her

1 employment with the school district must be informed by that  
2 school district that if he or she applies for employment with  
3 another school district, the general superintendent of the  
4 former school district, upon the request of the school district  
5 to which the employee applies, shall notify that requesting  
6 school district that the employee is or was the subject of such  
7 a report.

8 (e) Whenever such person is required to report under this  
9 Act in his capacity as a member of the staff of a medical or  
10 other public or private institution, school, facility or  
11 agency, or as a member of the clergy, he shall make report  
12 immediately to the Department in accordance with the provisions  
13 of this Act and may also notify the person in charge of such  
14 institution, school, facility or agency, or church, synagogue,  
15 temple, mosque, or other religious institution, or his  
16 designated agent that such report has been made. Under no  
17 circumstances shall any person in charge of such institution,  
18 school, facility or agency, or church, synagogue, temple,  
19 mosque, or other religious institution, or his designated agent  
20 to whom such notification has been made, exercise any control,  
21 restraint, modification or other change in the report or the  
22 forwarding of such report to the Department.

23 (f) In addition to the persons required to report suspected  
24 cases of child abuse or child neglect under this Section, any  
25 other person may make a report if such person has reasonable  
26 cause to believe a child may be an abused child or a neglected

1 child.

2 (g) The privileged quality of communication between any  
3 professional person required to report and his patient or  
4 client shall not apply to situations involving abused or  
5 neglected children and shall not constitute grounds for failure  
6 to report as required by this Act or constitute grounds for  
7 failure to share information or documents with the Department  
8 during the course of a child abuse or neglect investigation. If  
9 requested by the professional, the Department shall confirm in  
10 writing that the information or documents disclosed by the  
11 professional were gathered in the course of a child abuse or  
12 neglect investigation.

13 The reporting requirements of this Act shall not apply to  
14 the contents of a privileged communication between an attorney  
15 and his or her client or to confidential information within the  
16 meaning of Rule 1.6 of the Illinois Rules of Professional  
17 Conduct relating to the legal representation of an individual  
18 client.

19 A member of the clergy may claim the privilege under  
20 Section 8-803 of the Code of Civil Procedure.

21 (h) Any office, clinic, or any other physical location that  
22 provides abortions, abortion referrals, or contraceptives  
23 shall provide to all office personnel copies of written  
24 information and training materials about abuse and neglect and  
25 the requirements of this Act that are provided to employees of  
26 the office, clinic, or physical location who are required to

1 make reports to the Department under this Act, and instruct  
2 such office personnel to bring to the attention of an employee  
3 of the office, clinic, or physical location who is required to  
4 make reports to the Department under this Act any reasonable  
5 suspicion that a child known to him or her in his or her  
6 professional or official capacity may be an abused child or a  
7 neglected child.

8 (i) Any person who enters into employment on and after July  
9 1, 1986 and is mandated by virtue of that employment to report  
10 under this Act, shall sign a statement on a form prescribed by  
11 the Department, to the effect that the employee has knowledge  
12 and understanding of the reporting requirements of this Act. On  
13 and after January 1, 2019, the statement shall also include  
14 information about available mandated reporter training  
15 provided by the Department. The statement shall be signed prior  
16 to commencement of the employment. The signed statement shall  
17 be retained by the employer. The cost of printing,  
18 distribution, and filing of the statement shall be borne by the  
19 employer.

20 (j) Persons required to report child abuse or child neglect  
21 as provided under this Section must complete an initial  
22 mandated reporter training within 3 months of their date of  
23 engagement in a professional or official capacity as a mandated  
24 reporter, or within the time frame of any other applicable  
25 State law that governs training requirements for a specific  
26 profession, and at least every 3 years thereafter. The initial

1 requirement only applies to the first time they engage in their  
2 professional or official capacity. In lieu of training every 3  
3 years, medical personnel, as listed in paragraph (1) of  
4 subsection (a), must meet the requirements described in  
5 subsection (k).

6 The trainings shall be in-person or web-based, and shall  
7 include, at a minimum, information on the following topics: (i)  
8 indicators for recognizing child abuse and child neglect, as  
9 defined under this Act; (ii) the process for reporting  
10 suspected child abuse and child neglect in Illinois as required  
11 by this Act and the required documentation; (iii) responding to  
12 a child in a trauma-informed manner; and (iv) understanding the  
13 response of child protective services and the role of the  
14 reporter after a call has been made. Child-serving  
15 organizations are encouraged to provide in-person annual  
16 trainings.

17 The mandated reporter training shall be provided through  
18 the Department, through an entity authorized to provide  
19 continuing education for professionals licensed through the  
20 Department of Financial and Professional Regulation, the State  
21 Board of Education, the Illinois Law Enforcement Training  
22 Standards Board, or the Department of State Police, or through  
23 an organization approved by the Department to provide mandated  
24 reporter training. The Department must make available a free  
25 web-based training for reporters.

26 Each mandated reporter shall report to his or her employer

1 and, when applicable, to his or her licensing or certification  
2 board that he or she received the mandated reporter training.  
3 The mandated reporter shall maintain records of completion.

4 Beginning January 1, 2021, if a mandated reporter receives  
5 licensure from the Department of Financial and Professional  
6 Regulation or the State Board of Education, and his or her  
7 profession has continuing education requirements, the training  
8 mandated under this Section shall count toward meeting the  
9 licensee's required continuing education hours.

10 (k) (1) Medical personnel, as listed in paragraph (1) of  
11 subsection (a), who work with children in their professional or  
12 official capacity, must complete mandated reporter training at  
13 least every 6 years. Such medical personnel, if licensed, must  
14 attest at each time of licensure renewal on their renewal form  
15 that they understand they are a mandated reporter of child  
16 abuse and neglect, that they are aware of the process for  
17 making a report, that they know how to respond to a child in a  
18 trauma-informed manner, and that they are aware of the role of  
19 child protective services and the role of a reporter after a  
20 call has been made.

21 (2) In lieu of repeated training, medical personnel, as  
22 listed in paragraph (1) of subsection (a), who do not work with  
23 children in their professional or official capacity, may  
24 instead attest each time at licensure renewal on their renewal  
25 form that they understand they are a mandated reporter of child  
26 abuse and neglect, that they are aware of the process for

1 making a report, that they know how to respond to a child in a  
2 trauma-informed manner, and that they are aware of the role of  
3 child protective services and the role of a reporter after a  
4 call has been made. Nothing in this paragraph precludes medical  
5 personnel from completing mandated reporter training and  
6 receiving continuing education credits for that training.

7 (l) The Department shall provide copies of this Act, upon  
8 request, to all employers employing persons who shall be  
9 required under the provisions of this Section to report under  
10 this Act.

11 (m) Any person who knowingly transmits a false report to  
12 the Department commits the offense of disorderly conduct under  
13 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.  
14 A violation of this provision is a Class 4 felony.

15 Any person who knowingly and willfully violates any  
16 provision of this Section other than a second or subsequent  
17 violation of transmitting a false report as described in the  
18 preceding paragraph, is guilty of a Class A misdemeanor for a  
19 first violation and a Class 4 felony for a second or subsequent  
20 violation; except that if the person acted as part of a plan or  
21 scheme having as its object the prevention of discovery of an  
22 abused or neglected child by lawful authorities for the purpose  
23 of protecting or insulating any person or entity from arrest or  
24 prosecution, the person is guilty of a Class 4 felony for a  
25 first offense and a Class 3 felony for a second or subsequent  
26 offense (regardless of whether the second or subsequent offense

1 involves any of the same facts or persons as the first or other  
2 prior offense).

3 (n) A child whose parent, guardian or custodian in good  
4 faith selects and depends upon spiritual means through prayer  
5 alone for the treatment or cure of disease or remedial care may  
6 be considered neglected or abused, but not for the sole reason  
7 that his parent, guardian or custodian accepts and practices  
8 such beliefs.

9 (o) A child shall not be considered neglected or abused  
10 solely because the child is not attending school in accordance  
11 with the requirements of Article 26 of the School Code, as  
12 amended.

13 (p) Nothing in this Act prohibits a mandated reporter who  
14 reasonably believes that an animal is being abused or neglected  
15 in violation of the Humane Care for Animals Act from reporting  
16 animal abuse or neglect to the Department of Agriculture's  
17 Bureau of Animal Health and Welfare.

18 (q) A home rule unit may not regulate the reporting of  
19 child abuse or neglect in a manner inconsistent with the  
20 provisions of this Section. This Section is a limitation under  
21 subsection (i) of Section 6 of Article VII of the Illinois  
22 Constitution on the concurrent exercise by home rule units of  
23 powers and functions exercised by the State.

24 (r) For purposes of this Section "child abuse or neglect"  
25 includes abuse or neglect of an adult resident as defined in  
26 this Act.



1 (Source: P.A. 100-513, eff. 1-1-18; 100-1071, eff. 1-1-19;  
2 101-564, eff. 1-1-20.)

3 Section 999. Effective date. This Act takes effect upon  
4 becoming law.".