

# SB3720



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3720

Introduced 2/14/2020, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois to provide that the Division of Professional Regulation of the Department of Financial and Professional Regulation shall process an application for a license within 4 weeks after receiving a complete application that contains no deficiencies.

LRB101 20042 BMS 69572 b

A BILL FOR

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

7 (20 ILCS 2105/2105-15)

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

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

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

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

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

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

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

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

25 The Department shall issue a monthly disciplinary  
26 report.

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 (8.3) To exchange information with the Department of  
3 Human Rights regarding recommendations received under  
4 paragraph (B) of Section 8-109 of the Illinois Human Rights  
5 Act regarding a licensee or candidate for licensure who has  
6 committed a civil rights violation that may lead to the  
7 refusal, suspension, or revocation of a license from the  
8 Department.

9 (8.5) To accept continuing education credit for  
10 mandated reporter training on how to recognize and report  
11 child abuse offered by the Department of Children and  
12 Family Services and completed by any person who holds a  
13 professional license issued by the Department and who is a  
14 mandated reporter under the Abused and Neglected Child  
15 Reporting Act. The Department shall adopt any rules  
16 necessary to implement this paragraph.

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

18 (a-5) Except in cases involving delinquency in complying  
19 with a child support order or violation of the Non-Support  
20 Punishment Act and notwithstanding anything that may appear in  
21 any individual licensing Act or administrative rule, no person  
22 or entity whose license, certificate, or authority has been  
23 revoked as authorized in any licensing Act administered by the  
24 Department may apply for restoration of that license,  
25 certification, or authority until 3 years after the effective  
26 date of the revocation.

1 (b) (Blank).

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

1 those checks and make those withdrawals. Vouchers for those  
2 expenditures must be signed by the Director. All such  
3 expenditures shall be audited by the Director, and the audit  
4 shall be submitted to the Department of Central Management  
5 Services for approval.

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

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

18 (f) (Blank).

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

24 (g) Notwithstanding anything that may appear in any  
25 individual licensing statute or administrative rule, the  
26 Department shall deny any license application or renewal



1 authorized under any licensing Act administered by the  
2 Department to any person who has failed to file a return, or to  
3 pay the tax, penalty, or interest shown in a filed return, or  
4 to pay any final assessment of tax, penalty, or interest, as  
5 required by any tax Act administered by the Illinois Department  
6 of Revenue, until such time as the requirement of any such tax  
7 Act are satisfied; however, the Department may issue a license  
8 or renewal if the person has established a satisfactory  
9 repayment record as determined by the Illinois Department of  
10 Revenue. For the purpose of this Section, "satisfactory  
11 repayment record" shall be defined by rule.

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

1 after the issuance of the Department's order unless the  
2 Department receives, from the licensee, a request for a hearing  
3 before the Department to dispute the matters contained in the  
4 order.

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

10 The Department may promulgate rules for the administration  
11 of this subsection (g).

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

23 (i) The Department shall make available on its website  
24 general information explaining how the Department utilizes  
25 criminal history information in making licensure application  
26 decisions, including a list of enumerated offenses that serve

1 as a statutory bar to licensure.

2 (j) The Department shall process an application for a  
3 license within 4 weeks after receiving a complete application  
4 that contains no deficiencies.

5 (Source: P.A. 100-262, eff. 8-22-17; 100-863, eff. 8-14-18;  
6 100-872, eff. 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff.  
7 1-1-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20.)