



Rep. Jaime M. Andrade, Jr.

Filed: 3/22/2021

10200HB0800ham004

LRB102 12538 SPS 24122 a

1 AMENDMENT TO HOUSE BILL 800

2 AMENDMENT NO. _____. Amend House Bill 800 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Community Association Manager Licensing
5 and Disciplinary Act is amended by changing Section 85 as
6 follows:

7 (225 ILCS 427/85)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 85. Grounds for discipline; refusal, revocation, or
10 suspension.

11 (a) The Department may refuse to issue or renew a license,
12 or may place on probation, reprimand, suspend, or revoke any
13 license, or take any other disciplinary or non-disciplinary
14 action as the Department may deem proper and impose a fine not
15 to exceed \$10,000 for each violation upon any licensee or
16 applicant under this Act or any person or entity who holds

1 himself, herself, or itself out as an applicant or licensee
2 for any one or combination of the following causes:

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

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

6 (3) Conviction of or entry of a plea of guilty or plea
7 of nolo contendere to a felony or a misdemeanor under the
8 laws of the United States, any state, or any other
9 jurisdiction or entry of an administrative sanction by a
10 government agency in this State or any other jurisdiction.
11 Action taken under this paragraph (3) for a misdemeanor or
12 an administrative sanction is limited to a misdemeanor or
13 administrative sanction that has as an essential element
14 dishonesty or fraud, that involves larceny, embezzlement,
15 or obtaining money, property, or credit by false pretenses
16 or by means of a confidence game, or that is directly
17 related to the practice of the profession.

18 (4) Making any misrepresentation for the purpose of
19 obtaining a license or violating any provision of this Act
20 or its rules.

21 (5) Professional incompetence.

22 (6) Gross negligence.

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

25 (8) Failing, within 30 days, to provide information in
26 response to a request made by the Department.

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

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

10 (11) Having been disciplined by another state, the
11 District of Columbia, a territory, a foreign nation, or a
12 governmental agency authorized to impose discipline if at
13 least one of the grounds for the discipline is the same or
14 substantially equivalent of one of the grounds for which a
15 licensee may be disciplined under this Act. A certified
16 copy of the record of the action by the other state or
17 jurisdiction shall be prima facie evidence thereof.

18 (12) Directly or indirectly giving to or receiving
19 from any person, firm, corporation, partnership or
20 association any fee, commission, rebate, or other form of
21 compensation for any professional services not actually or
22 personally rendered.

23 (13) A finding by the Department that the licensee,
24 after having his, her, or its license placed on
25 probationary status, has violated the terms of probation.

26 (14) Willfully making or filing false records or

1 reports relating to a licensee's practice, including but
2 not limited to false records filed with any State or
3 federal agencies or departments.

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

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

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

18 (18) A finding that licensure has been applied for or
19 obtained by fraudulent means.

20 (19) Practicing or attempting to practice under a name
21 other than the full name as shown on the license or any
22 other legally authorized name.

23 (20) Gross overcharging for professional services
24 including, but not limited to, (i) collection of fees or
25 moneys for services that are not rendered; and (ii)
26 charging for services that are not in accordance with the

1 contract between the licensee and the community
2 association.

3 (21) Improper commingling of personal and client funds
4 in violation of this Act or any rules promulgated thereto.

5 (22) Failing to account for or remit any moneys or
6 documents coming into the licensee's possession that
7 belong to another person or entity.

8 (23) Giving differential treatment to a person that is
9 to that person's detriment because of race, color, creed,
10 sex, religion, or national origin.

11 (24) Performing and charging for services without
12 reasonable authorization to do so from the person or
13 entity for whom service is being provided.

14 (25) Failing to make available to the Department, upon
15 request, any books, records, or forms required by this
16 Act.

17 (26) Purporting to be a supervising community
18 association manager of a firm without active participation
19 in the firm.

20 (27) Failing to make available to the Department at
21 the time of the request any indicia of licensure or
22 registration issued under this Act.

23 (28) Failing to maintain and deposit funds belonging
24 to a community association in accordance with subsection
25 (b) of Section 55 of this Act.

26 (29) Violating the terms of a disciplinary order

1 issued by the Department.

2 (30) Entering into any agreement for payment or
3 commission with any person, corporation, party,
4 partnership, or other entity that provides goods or
5 services to the association.

6 (b) (Blank).

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

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

1 (e) In accordance with subdivision (a)(5) of Section
2 2105-15 of the Department of Professional Regulation Law of
3 the Civil Administrative Code of Illinois (20 ILCS
4 2105/2105-15) and in cases where the Department of Healthcare
5 and Family Services (formerly Department of Public Aid) has
6 previously determined that a licensee or a potential licensee
7 is more than 30 days delinquent in the payment of child support
8 and has subsequently certified the delinquency to the
9 Department may refuse to issue or renew or may revoke or
10 suspend that person's license or may take other disciplinary
11 action against that person based solely upon the certification
12 of delinquency made by the Department of Healthcare and Family
13 Services.

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

1 at his or her own expense, another physician of his or her
2 choice present during all aspects of this examination. Failure
3 of an individual to submit to a mental or physical
4 examination, when directed, shall be grounds for suspension of
5 his or her license or denial of his or her application or
6 renewal until the individual submits to the examination if the
7 Department finds, after notice and hearing, that the refusal
8 to submit to the examination was without reasonable cause.

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

26 In instances in which the Secretary immediately suspends a

1 person's license under this Section, a hearing on that
2 person's license must be convened by the Department within 30
3 days after the suspension and completed without appreciable
4 delay. The Department and Board shall have the authority to
5 review the subject individual's record of treatment and
6 counseling regarding the impairment to the extent permitted by
7 applicable federal statutes and regulations safeguarding the
8 confidentiality of medical records.

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

14 (Source: P.A. 100-872, eff. 8-14-18.)".