



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB1824

Introduced 2/17/2021, by Rep. Kathleen Willis

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.41 new

320 ILCS 20/2

325 ILCS 5/4

from Ch. 23, par. 6602

Creates the Behavior Analyst Licensing Act. Provides for licensure of behavior analysts and assistant behavior analysts. Creates the Advisory Board of Behavior Analysts. Provides qualifications for licensure application, including for those who have met certain requirements before the effective date of the Act. Establishes the powers and duties of the Department of Financial and Professional Regulation, including, but not limited to, adopting rules setting forth minimum standards for licensure, taking disciplinary or nondisciplinary actions, and authorizing examinations. Provides for grounds for disciplinary actions and for civil and criminal penalties for violations of the Act. Creates provisions concerning hearings, appointment of hearing officers, and rehearings. Provides for judicial review of all final administrative decisions of the Department. Amends the Regulatory Sunset Act. Provides that the Behavior Analyst Licensing Act is repealed on January 1, 2032. Effective immediately.

LRB102 09963 SPS 15281 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

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  
9 interest. The purpose of this Act is to protect and benefit the  
10 public by setting standards of qualifications, education,  
11 training, and experience for those who seek to obtain a  
12 license and hold the title of "licensed behavior analyst" or  
13 "licensed assistant behavior analyst", to promote high  
14 standards of professional performance for those licensed to  
15 practice applied behavior analysis in the State of Illinois,  
16 to protect the public from the practice of applied behavior  
17 analysis by unqualified persons and from unprofessional  
18 conduct by persons licensed to practice applied behavior  
19 analysis.

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

21 "Address of record" means the designated address recorded  
22 by the Department in the applicant's or licensee's application

1 file or license file as maintained by the Department's  
2 licensure maintenance unit.

3 "Board" means the Advisory Board of Behavior Analysts  
4 appointed by the Secretary.

5 "Department" means the Department of Financial and  
6 Professional Regulation.

7 "Email address of record" means the designated email  
8 address recorded by the Department in the applicant's  
9 application file or the licensee's license file as maintained  
10 by the Department's licensure maintenance unit.

11 "Licensed assistant behavior analyst" means an individual  
12 licensed under this Act to engage in practice as an assistant  
13 behavior analyst under the supervision of a licensed behavior  
14 analyst or a licensed clinical psychologist.

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

17 "Practice of behavior analysis" means the design,  
18 implementation, and evaluation of instructional and  
19 environmental modifications to produce socially significant  
20 improvement in human behavior. "Practice of behavior analysis"  
21 includes the empirical identification of functional relations  
22 between behavior environmental factors, known as functional  
23 assessment and analysis. Applied behavior analysis  
24 interventions are based on scientific research and the direct  
25 observation and measurement of behavior and environment.  
26 Applied behavior analysis interventions utilize contextual

1 factors, motivating operations, antecedent stimuli, positive  
2 reinforcement, and other procedures to help individuals  
3 develop new behaviors, increase or decrease existing  
4 behaviors, and elicit behaviors under specific environmental  
5 conditions. "Practice of behavior analysis" does not include:

6 (1) the practice of medicine, osteopathic medicine and  
7 surgery, or medical diagnosis or treatment, as regulated  
8 by the Medical Practice Act of 1987;

9 (2) the practice of nursing, as regulated by the Nurse  
10 Practice Act;

11 (3) the practice of speech-language pathology, as  
12 defined in the Illinois Speech-Language Pathology and  
13 Audiology Practice Act;

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

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

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

20 (7) psychological testing, including standardized  
21 testing for intelligence or personality;

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

23 (9) the practice of neuropsychology, psychotherapy,  
24 cognitive therapy, sex therapy, psychoanalysis,  
25 hypnotherapy, and counseling as treatment modalities;

26 (10) the practice of school social work, as provided

1 in Sections 10-20.65, 14-1.09a, and 34-18.58 of the School  
2 Code;

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

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

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

11 "Secretary" means the Secretary of Financial and  
12 Professional Regulation.

13 Section 15. Address of record; email address of record.

14 All applicants and licensees shall:

15 (1) provide a valid address and email address to the  
16 Department, which shall serve as the address of record and  
17 email address of record, respectively, at the time of  
18 application for licensure or renewal of a license; and

19 (2) inform the Department of any change of address of  
20 record or email address of record within 14 days after  
21 such change, either through the Department's website or by  
22 contacting the Department's licensure maintenance unit.

23 Section 20. License required; exemptions.

24 (a) Beginning 24 months after the effective date of this

1 Act, an individual shall not engage in the practice of applied  
2 behavior analysis unless licensed under this Act or covered by  
3 an exemption under subsection (c).

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

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

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

15 (1) Self-care by a patient or uncompensated care by a  
16 friend or family member who does not represent or hold  
17 himself or herself out to be a behavior analyst or  
18 assistant behavior analyst.

19 (2) An individual from implementing a behavior  
20 analytic treatment plan under the extended authority,  
21 direction, and supervision of a licensed behavior analyst  
22 or licensed assistant behavior analyst.

23 (3) An individual licensed or certified under any  
24 other law of this State from performing activities that  
25 are considered to be the practice of applied behavior  
26 analysis under this Act if the activities are within the

1 individual's scope of practice and commensurate with his  
2 or her education, training, and experience, so long as the  
3 individual does not use the titles provided in subsection  
4 (b).

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

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

21 (6) An individual who is a matriculated student at a  
22 nationally accredited university approved in rules or a  
23 postdoctoral fellow from performing activities that are  
24 considered to be the practice of applied behavior analysis  
25 under this Act if the activities are part of a defined  
26 program of study, course, practicum, internship, or

1 postdoctoral fellowship, provided that the applied  
2 behavior analysis activities are directly supervised by a  
3 licensed behavior analyst under this Act or a licensed  
4 clinical psychologist.

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

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

20 (9) A qualified intellectual disabilities  
21 professional, meeting the minimum federal education  
22 requirements outlined in 42 CFR 483.430, who is performing  
23 such duties as required for individuals with intellectual  
24 or developmental disabilities in programs and facilities  
25 regulated by the federal Centers for Medicare and Medicaid  
26 Services, the Department of Human Services, or the



1 Department of Public Health, so long as the individual  
2 does not use the titles provided in subsection (b).

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

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

16 Section 23. Applications for original license.  
17 Applications for original licenses shall be made to the  
18 Department on forms or electronically as prescribed by the  
19 Department and accompanied by the required fee, which shall  
20 not be refundable. All applications shall contain such  
21 information which, in the judgment of the Department, will  
22 enable the Department to pass on the qualifications of the  
23 applicant for a license as a licensed behavior analyst or  
24 licensed assistant behavior analyst.

25 A license to practice shall not be denied to an applicant

1 because of the applicant's race, religion, creed, national  
2 origin, political beliefs or activities, age, sex, sexual  
3 orientation, or physical disability that does not affect a  
4 person's ability to practice with reasonable judgment, skill,  
5 or safety.

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

14 Applicants have 3 years after the date of application to  
15 complete the application process. If the process has not been  
16 completed in 3 years, the application shall be denied, the fee  
17 shall be forfeited, and the applicant must reapply and meet  
18 the requirements in effect at the time of reapplication.

19 Section 25. Qualifications for behavior analyst license.

20 (a) A person qualifies to be licensed as a behavior  
21 analyst if that person:

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

24 (2) is of good moral character; in determining good  
25 moral character, the Department may take into

1 consideration whether the applicant was engaged in conduct  
2 or actions that would constitute grounds for discipline  
3 under this Act;

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

10 (4) has met the supervised work experience required  
11 for certification as a behavior analyst in effect at the  
12 time the applicant passed the examination required in  
13 paragraph (5);

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

16 (6) has paid the required fees.

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

23 Section 30. Qualifications for assistant behavior analyst  
24 license.

25 (a) A person qualifies to be licensed as an assistant

1 behavior analyst 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 completion of a bachelor's degree from a nationally or  
11 regionally accredited university approved by the  
12 Department and core coursework related to principles and  
13 application of applied behavior analysis;

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

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

21 (6) has paid the required fees.

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

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

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

17           Individuals with 10 consecutive years of experience must  
18 submit certified verification of licensure from the  
19 jurisdiction in which the applicant practiced and must comply  
20 with all other licensing requirements and pay all required  
21 fees. If the accuracy of any submitted documentation or the  
22 relevance or sufficiency of the coursework or experience is  
23 questioned by the Department or the Board because of a lack of  
24 information, discrepancies or conflicts in information given,  
25 or a need for clarification, the applicant seeking licensure

1 may be required to provide additional information.

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

8 Section 40. Advisory Board of Behavior Analysts.

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

18 (b) Members shall serve for a term of 4 years each, except  
19 that any person chosen to fill a vacancy shall be appointed  
20 only for the unexpired term of the Board member whom he or she  
21 shall succeed. Upon the expiration of this term of office, a  
22 Board member shall continue to serve until a successor is  
23 appointed and qualified. No member shall serve more than 2  
24 consecutive 4-year terms.

25 (c) The membership of the Board should represent racial

1 and cultural diversity and reasonably reflect representation  
2 from different geographic areas of Illinois.

3 (d) The Secretary may terminate the appointment of any  
4 member for cause.

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

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

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

15 (h) A majority of the Board members currently appointed  
16 shall constitute a quorum. A vacancy in the membership of the  
17 Board shall not impair the right of a quorum to perform all of  
18 the duties of the Board.

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

22 Section 45. Licenses; renewal; restoration; person in  
23 military service; inactive status.

24 (a) The expiration date and renewal period for each  
25 license issued under this Act shall be set by rule. The

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

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

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

25 (d) Notwithstanding any other provision of this Act, any  
26 person whose license expired while on active duty with the



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

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

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

17 Section 50. Suspension of license for failure to pay  
18 restitution. The Department, without further process or  
19 hearing, shall suspend the license or other authorization to  
20 practice of any person issued under this Act who has been  
21 certified by court order as not having paid restitution to a  
22 person under Section 8A-3.5 of the Illinois Public Aid Code or  
23 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or  
24 the Criminal Code of 2012. A person whose license or other  
25 authorization to practice is suspended under this Section is

1 prohibited from practicing until the restitution is made in  
2 full.

3 Section 55. Grounds for disciplinary action.

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

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

15 (2) violations or negligent or intentional disregard  
16 of this Act or its rules;

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

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

5           (5) professional incompetence;

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

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

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

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

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

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

24          (12) directly or indirectly giving to or receiving  
25          from any person, firm, corporation, partnership, or  
26          association any fee, commission, rebate, or other form of

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

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

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

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

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

25 (17) being named as a perpetrator in an indicated  
26 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act, and  
2 upon proof by clear and convincing evidence that the  
3 licensee has caused a child to be an abused child or  
4 neglected child as defined in the Abused and Neglected  
5 Child Reporting Act;

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

11 (19) solicitation of professional services by using  
12 false or misleading advertising;

13 (20) violation of the Health Care Worker Self-Referral  
14 Act;

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

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

25 (b) The determination by a court that a licensee is  
26 subject to involuntary admission or judicial admission as

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

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

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

25 (1) The Department shall specifically designate the  
26 examining physician licensed to practice medicine in all

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

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

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

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

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

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



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

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

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

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

25 Section 60. Illinois Administrative Procedure Act. The

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

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

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

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

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

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

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

24 (b) If an individual holds himself or herself out as being  
25 a licensed behavior analyst or a licensed assistant behavior

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

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

15 Section 75. Powers and duties of the Department.

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

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

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

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

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

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

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

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

1 information to anyone other than law enforcement officials,  
2 other regulatory agencies that have an appropriate regulatory  
3 interest as determined by the Secretary, or to a party  
4 presenting a lawful subpoena to the Department. Information  
5 and documents disclosed to a federal, State, county, or local  
6 law enforcement agency shall not be disclosed by the agency  
7 for any purpose to any other agency or person. A formal  
8 complaint filed against a licensee by the Department or any  
9 order issued by the Department against a licensee or applicant  
10 shall be a public record, except as otherwise prohibited by  
11 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  
15 status, or be subject to whatever disciplinary action the  
16 Secretary considers proper, including limiting the scope,  
17 nature, or extent of the person's practice or the imposition  
18 of a fine, without hearing, if the act or acts charged  
19 constitute 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,  
5 or both, with the same fees and mileage and in the same manner  
6 as 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  
11 administered 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  
17 production of documents, papers, files, books and records in  
18 connection with any hearing or investigation. The court may  
19 compel 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  
22 record of all proceedings at any formal hearing of any case.  
23 The notice of hearing, complaint and all other documents in



1 the 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  
11 the hearing, the Board shall present to the Secretary a  
12 written report of its findings of fact, conclusions of law,  
13 and 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,  
17 conclusions of law and recommendations. The report shall  
18 contain a finding whether or not the licensee violated this  
19 Act or failed to comply with the conditions required in this  
20 Act. The Board shall specify the nature of the violation or  
21 failure to comply, and shall make its recommendations to the  
22 Secretary.

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

1 license.

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

21 Section 110. Restoration. At any time after the successful  
22 completion of a term of probation, suspension, or revocation  
23 of any license, the Department may restore the license to the  
24 licensee upon the written recommendation of the Board unless

1 after an investigation and hearing the Board or Department  
2 determines that restoration is not in the public interest.  
3 Where circumstances of suspension or revocation so indicate,  
4 the Department may require an examination of the licensee  
5 prior to restoring his or her license. No person whose license  
6 has been revoked as authorized in this Act may apply for  
7 restoration of that license until such time as provided for in  
8 the Civil Administrative Code of Illinois.

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

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

1 Section 125. Administrative review.

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

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

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

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

1 shall be nonrefundable.

2 All fees, fines, and penalties collected under this Act  
3 shall be deposited into the General Professions Dedicated Fund  
4 and shall be appropriated to the Department for the ordinary  
5 and contingent expenses of the Department in the  
6 administration of this Act.

7 Section 900. The Regulatory Sunset Act is amended by  
8 adding Section 4.41 as follows:

9 (5 ILCS 80/4.41 new)

10 Sec. 4.41. Act repealed on January 1, 2032. The following  
11 Act is repealed on January 1, 2032:

12 The Behavior Analyst Licensing Act.

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

15 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

21 Nothing in this Act shall be construed to mean that an  
22 eligible adult is a victim of abuse, neglect, or self-neglect

1 for the sole reason that he or she is being furnished with or  
2 relies upon treatment by spiritual means through prayer alone,  
3 in accordance with the tenets and practices of a recognized  
4 church or religious denomination.

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

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

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

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

22 (b) "Department" means the Department on Aging of the  
23 State of Illinois.

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

25 (c-5) "Disability" means a physical or mental disability,  
26 including, but not limited to, a developmental disability, an

1 intellectual disability, a mental illness as defined under the  
2 Mental Health and Developmental Disabilities Code, or dementia  
3 as defined under the Alzheimer's Disease Assistance Act.

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

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

10 (1.5) A facility licensed under the ID/DD Community  
11 Care Act;

12 (1.6) A facility licensed under the MC/DD Act;

13 (1.7) A facility licensed under the Specialized Mental  
14 Health Rehabilitation Act of 2013;

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

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

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

26 (5) A "community living facility" as defined in the

1 Community Living Facilities Licensing Act;

2 (6) (Blank);

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

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

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

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



1 not an employee of the facility where the adult resides.

2 (f) "Emergency" means a situation in which an eligible  
3 adult is living in conditions presenting a risk of death or  
4 physical, mental or sexual injury and the provider agency has  
5 reason to believe the eligible adult is unable to consent to  
6 services which would alleviate that risk.

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

11 (f-5) "Mandated reporter" means any of the following  
12 persons while engaged in carrying out their professional  
13 duties:

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

1 of 1987, the Pharmacy Practice Act, the Illinois Physical  
2 Therapy Act, the Physician Assistant Practice Act of 1987,  
3 the Podiatric Medical Practice Act of 1987, the  
4 Respiratory Care Practice Act, the Professional Counselor  
5 and Clinical Professional Counselor Licensing and Practice  
6 Act, the Illinois Speech-Language Pathology and Audiology  
7 Practice Act, the Veterinary Medicine and Surgery Practice  
8 Act of 2004, and the Illinois Public Accounting Act;

9 (1.5) an employee of an entity providing developmental  
10 disabilities services or service coordination funded by  
11 the Department of Human Services;

12 (2) an employee of a vocational rehabilitation  
13 facility prescribed or supervised by the Department of  
14 Human Services;

15 (3) an administrator, employee, or person providing  
16 services in or through an unlicensed community based  
17 facility;

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

25 (5) field personnel of the Department of Healthcare  
26 and Family Services, Department of Public Health, and

1 Department of Human Services, and any county or municipal  
2 health department;

3 (6) personnel of the Department of Human Services, the  
4 Guardianship and Advocacy Commission, the State Fire  
5 Marshal, local fire departments, the Department on Aging  
6 and its subsidiary Area Agencies on Aging and provider  
7 agencies, and the Office of State Long Term Care  
8 Ombudsman;

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

14 (8) a person who performs the duties of a coroner or  
15 medical examiner; or

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

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

1           (h) "Provider agency" means any public or nonprofit agency  
2 in a planning and service area that is selected by the  
3 Department or appointed by the regional administrative agency  
4 with prior approval by the Department on Aging to receive and  
5 assess reports of alleged or suspected abuse, neglect, or  
6 financial exploitation. A provider agency is also referenced  
7 as a "designated agency" in this Act.

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

21           (i-5) "Self-neglect" means a condition that is the result  
22 of an eligible adult's inability, due to physical or mental  
23 impairments, or both, or a diminished capacity, to perform  
24 essential self-care tasks that substantially threaten his or  
25 her own health, including: providing essential food, clothing,  
26 shelter, and health care; and obtaining goods and services

1 necessary to maintain physical health, mental health,  
2 emotional well-being, and general safety. The term includes  
3 compulsive hoarding, which is characterized by the acquisition  
4 and retention of large quantities of items and materials that  
5 produce an extensively cluttered living space, which  
6 significantly impairs the performance of essential self-care  
7 tasks or otherwise substantially threatens life or safety.

8 (j) "Substantiated case" means a reported case of alleged  
9 or suspected abuse, neglect, financial exploitation, or  
10 self-neglect in which a provider agency, after assessment,  
11 determines that there is reason to believe abuse, neglect, or  
12 financial exploitation has occurred.

13 (k) "Verified" means a determination that there is "clear  
14 and convincing evidence" that the specific injury or harm  
15 alleged was the result of abuse, neglect, or financial  
16 exploitation.

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

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

20 (325 ILCS 5/4)

21 Sec. 4. Persons required to report; privileged  
22 communications; transmitting false report.

23 (a) The following persons are required to immediately  
24 report to the Department when they have reasonable cause to

1 believe that a child known to them in their professional or  
2 official capacities may be an abused child or a neglected  
3 child:

4 (1) Medical personnel, including any: physician  
5 licensed to practice medicine in any of its branches  
6 (medical doctor or doctor of osteopathy); resident;  
7 intern; medical administrator or personnel engaged in the  
8 examination, care, and treatment of persons; psychiatrist;  
9 surgeon; dentist; dental hygienist; chiropractic  
10 physician; podiatric physician; physician assistant;  
11 emergency medical technician; acupuncturist; registered  
12 nurse; licensed practical nurse; advanced practice  
13 registered nurse; genetic counselor; respiratory care  
14 practitioner; home health aide; or certified nursing  
15 assistant.

16 (2) Social services and mental health personnel,  
17 including any: licensed professional counselor; licensed  
18 clinical professional counselor; licensed social worker;  
19 licensed clinical social worker; licensed psychologist or  
20 assistant working under the direct supervision of a  
21 psychologist; associate licensed marriage and family  
22 therapist; licensed marriage and family therapist; field  
23 personnel of the Departments of Healthcare and Family  
24 Services, Public Health, Human Services, Human Rights, or  
25 Children and Family Services; supervisor or administrator  
26 of the General Assistance program established under

1 Article VI of the Illinois Public Aid Code; social  
2 services administrator; or substance abuse treatment  
3 personnel.

4 (3) Crisis intervention personnel, including any:  
5 crisis line or hotline personnel; or domestic violence  
6 program personnel.

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

15 (5) Recreation or athletic program or facility  
16 personnel.

17 (6) Child care personnel, including any: early  
18 intervention provider as defined in the Early Intervention  
19 Services System Act; director or staff assistant of a  
20 nursery school or a child day care center; or foster  
21 parent, homemaker, or child care worker.

22 (7) Law enforcement personnel, including any: law  
23 enforcement officer; field personnel of the Department of  
24 Juvenile Justice; field personnel of the Department of  
25 Corrections; probation officer; or animal control officer  
26 or field investigator of the Department of Agriculture's

1 Bureau of Animal Health and Welfare.

2 (8) Any funeral home director; funeral home director  
3 and embalmer; funeral home employee; coroner; or medical  
4 examiner.

5 (9) Any member of the clergy.

6 (10) Any physician, physician assistant, registered  
7 nurse, licensed practical nurse, medical technician,  
8 certified nursing assistant, licensed social worker,  
9 licensed clinical social worker, licensed behavior  
10 analyst, licensed assistant behavior analyst, or licensed  
11 professional counselor of any office, clinic, or any other  
12 physical location that provides abortions, abortion  
13 referrals, or contraceptives.

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



1 child abuse or child neglect.

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

4 (A) the mandated reporter comes into contact with the  
5 child in the course of the reporter's employment or  
6 practice of a profession, or through a regularly scheduled  
7 program, activity, or service;

8 (B) the mandated reporter is affiliated with an  
9 agency, institution, organization, school, school  
10 district, regularly established church or religious  
11 organization, or other entity that is directly responsible  
12 for the care, supervision, guidance, or training of the  
13 child; or

14 (C) a person makes a specific disclosure to the  
15 mandated reporter that an identifiable child is the victim  
16 of child abuse or child neglect, and the disclosure  
17 happens while the mandated reporter is engaged in his or  
18 her employment or practice of a profession, or in a  
19 regularly scheduled program, activity, or service.

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

23 (d) If an allegation is raised to a school board member  
24 during the course of an open or closed school board meeting  
25 that a child who is enrolled in the school district of which he  
26 or she is a board member is an abused child as defined in

1 Section 3 of this Act, the member shall direct or cause the  
2 school board to direct the superintendent of the school  
3 district or other equivalent school administrator to comply  
4 with the requirements of this Act concerning the reporting of  
5 child abuse. For purposes of this paragraph, a school board  
6 member is granted the authority in his or her individual  
7 capacity to direct the superintendent of the school district  
8 or other equivalent school administrator to comply with the  
9 requirements of this Act concerning the reporting of child  
10 abuse.

11 Notwithstanding any other provision of this Act, if an  
12 employee of a school district has made a report or caused a  
13 report to be made to the Department under this Act involving  
14 the conduct of a current or former employee of the school  
15 district and a request is made by another school district for  
16 the provision of information concerning the job performance or  
17 qualifications of the current or former employee because he or  
18 she is an applicant for employment with the requesting school  
19 district, the general superintendent of the school district to  
20 which the request is being made must disclose to the  
21 requesting school district the fact that an employee of the  
22 school district has made a report involving the conduct of the  
23 applicant or caused a report to be made to the Department, as  
24 required under this Act. Only the fact that an employee of the  
25 school district has made a report involving the conduct of the  
26 applicant or caused a report to be made to the Department may

1 be disclosed by the general superintendent of the school  
2 district to which the request for information concerning the  
3 applicant is made, and this fact may be disclosed only in cases  
4 where the employee and the general superintendent have not  
5 been informed by the Department that the allegations were  
6 unfounded. An employee of a school district who is or has been  
7 the subject of a report made pursuant to this Act during his or  
8 her employment with the school district must be informed by  
9 that school district that if he or she applies for employment  
10 with another school district, the general superintendent of  
11 the former school district, upon the request of the school  
12 district to which the employee applies, shall notify that  
13 requesting school district that the employee is or was the  
14 subject of such a report.

15 (e) Whenever such person is required to report under this  
16 Act in his capacity as a member of the staff of a medical or  
17 other public or private institution, school, facility or  
18 agency, or as a member of the clergy, he shall make report  
19 immediately to the Department in accordance with the  
20 provisions of this Act and may also notify the person in charge  
21 of such institution, school, facility or agency, or church,  
22 synagogue, temple, mosque, or other religious institution, or  
23 his designated agent that such report has been made. Under no  
24 circumstances shall any person in charge of such institution,  
25 school, facility or agency, or church, synagogue, temple,  
26 mosque, or other religious institution, or his designated

1 agent to whom such notification has been made, exercise any  
2 control, restraint, modification or other change in the report  
3 or the forwarding of such report to the Department.

4 (f) In addition to the persons required to report  
5 suspected cases of child abuse or child neglect under this  
6 Section, any other person may make a report if such person has  
7 reasonable cause to believe a child may be an abused child or a  
8 neglected child.

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

20 The reporting requirements of this Act shall not apply to  
21 the contents of a privileged communication between an attorney  
22 and his or her client or to confidential information within  
23 the meaning of Rule 1.6 of the Illinois Rules of Professional  
24 Conduct relating to the legal representation of an individual  
25 client.

26 A member of the clergy may claim the privilege under

1 Section 8-803 of the Code of Civil Procedure.

2 (h) Any office, clinic, or any other physical location  
3 that provides abortions, abortion referrals, or contraceptives  
4 shall provide to all office personnel copies of written  
5 information and training materials about abuse and neglect and  
6 the requirements of this Act that are provided to employees of  
7 the office, clinic, or physical location who are required to  
8 make reports to the Department under this Act, and instruct  
9 such office personnel to bring to the attention of an employee  
10 of the office, clinic, or physical location who is required to  
11 make reports to the Department under this Act any reasonable  
12 suspicion that a child known to him or her in his or her  
13 professional or official capacity may be an abused child or a  
14 neglected child.

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

1           (j) Persons required to report child abuse or child  
2 neglect as provided under this Section must complete an  
3 initial mandated reporter training within 3 months of their  
4 date of engagement in a professional or official capacity as a  
5 mandated reporter, or within the time frame of any other  
6 applicable State law that governs training requirements for a  
7 specific profession, and at least every 3 years thereafter.  
8 The initial requirement only applies to the first time they  
9 engage in their professional or official capacity. In lieu of  
10 training every 3 years, medical personnel, as listed in  
11 paragraph (1) of subsection (a), must meet the requirements  
12 described in subsection (k).

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

24           The mandated reporter training shall be provided through  
25 the Department, through an entity authorized to provide  
26 continuing education for professionals licensed through the

1 Department of Financial and Professional Regulation, the State  
2 Board of Education, the Illinois Law Enforcement Training  
3 Standards Board, or the Department of State Police, or through  
4 an organization approved by the Department to provide mandated  
5 reporter training. The Department must make available a free  
6 web-based training for reporters.

7 Each mandated reporter shall report to his or her employer  
8 and, when applicable, to his or her licensing or certification  
9 board that he or she received the mandated reporter training.  
10 The mandated reporter shall maintain records of completion.

11 Beginning January 1, 2021, if a mandated reporter receives  
12 licensure from the Department of Financial and Professional  
13 Regulation or the State Board of Education, and his or her  
14 profession has continuing education requirements, the training  
15 mandated under this Section shall count toward meeting the  
16 licensee's required continuing education hours.

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

1 call has been made.

2 (2) In lieu of repeated training, medical personnel, as  
3 listed in paragraph (1) of subsection (a), who do not work with  
4 children in their professional or official capacity, may  
5 instead attest each time at licensure renewal on their renewal  
6 form that they understand they are a mandated reporter of  
7 child abuse and neglect, that they are aware of the process for  
8 making a report, that they know how to respond to a child in a  
9 trauma-informed manner, and that they are aware of the role of  
10 child protective services and the role of a reporter after a  
11 call has been made. Nothing in this paragraph precludes  
12 medical personnel from completing mandated reporter training  
13 and receiving continuing education credits for that training.

14 (1) The Department shall provide copies of this Act, upon  
15 request, to all employers employing persons who shall be  
16 required under the provisions of this Section to report under  
17 this Act.

18 (m) Any person who knowingly transmits a false report to  
19 the Department commits the offense of disorderly conduct under  
20 subsection (a)(7) of Section 26-1 of the Criminal Code of  
21 2012. A violation of this provision is a Class 4 felony.

22 Any person who knowingly and willfully violates any  
23 provision of this Section other than a second or subsequent  
24 violation of transmitting a false report as described in the  
25 preceding paragraph, is guilty of a Class A misdemeanor for a  
26 first violation and a Class 4 felony for a second or subsequent



1 violation; except that if the person acted as part of a plan or  
2 scheme having as its object the prevention of discovery of an  
3 abused or neglected child by lawful authorities for the  
4 purpose of protecting or insulating any person or entity from  
5 arrest or prosecution, the person is guilty of a Class 4 felony  
6 for a first offense and a Class 3 felony for a second or  
7 subsequent offense (regardless of whether the second or  
8 subsequent offense involves any of the same facts or persons  
9 as the first or other prior offense).

10 (n) A child whose parent, guardian or custodian in good  
11 faith selects and depends upon spiritual means through prayer  
12 alone for the treatment or cure of disease or remedial care may  
13 be considered neglected or abused, but not for the sole reason  
14 that his parent, guardian or custodian accepts and practices  
15 such beliefs.

16 (o) A child shall not be considered neglected or abused  
17 solely because the child is not attending school in accordance  
18 with the requirements of Article 26 of the School Code, as  
19 amended.

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

25 (q) A home rule unit may not regulate the reporting of  
26 child abuse or neglect in a manner inconsistent with the

1 provisions of this Section. This Section is a limitation under  
2 subsection (i) of Section 6 of Article VII of the Illinois  
3 Constitution on the concurrent exercise by home rule units of  
4 powers and functions exercised by the State.

5 (r) For purposes of this Section "child abuse or neglect"  
6 includes abuse or neglect of an adult resident as defined in  
7 this Act.

8 (Source: P.A. 100-513, eff. 1-1-18; 100-1071, eff. 1-1-19;  
9 101-564, eff. 1-1-20.)

10 Section 999. Effective date. This Act takes effect upon  
11 becoming law.