



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4666

Introduced 1/21/2022, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Provides that the Funeral Directors and Embalmers Licensing Code is repealed on January 1, 2028 (instead of January 1, 2023). Amends the Funeral Directors and Embalmers Licensing Code. Defines "email address of record". Removes a provision providing the Department of Financial and Professional Regulation shall maintain rosters of the licensees and those whose licenses were suspended, revoked, denied renewal, or otherwise disciplined. Provides that licensees shall provide a valid email address to the Department and inform of any change of the email address. Removes a provision that provides that licensees who have not engaged in the practice of funeral directing for at least 40 years by January 1, 2016 shall not receive the continuing education exemption after that date. Provides the Department shall determine an inactive licensee's fitness to resume active status and may require successful completion of a practical examination or any other method the Department deems appropriate. Provides that the licensee is authorized to effect a final disposition of unclaimed cremated remains if no person lawfully entitled to the custody of the remains makes or has made a proper request for them within 60 days (instead of 1 year) of the date of death of the cremated person. Allows licenses to be applied for electronically. Allows the written notice of proceedings to be served by email. Provides that the Department shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at specified hearings. Includes additional factors that the Funeral Directors and Embalmers Licensing and Disciplinary Board may take into consideration in making recommendations for any disciplinary action. Provides that any person who practices, offers to practice, attempts to practice, or holds one's self out as a funeral director, embalmer, or embalmer intern without being licensed shall pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense. Repeals provisions concerning Social Security Numbers on license applications; consent orders; and conflicts of interest. Makes other changes. Sections 5 and 99 are effective immediately.

LRB102 24163 AMQ 33389 b

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 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.33 and 4.38 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following
8 Acts are repealed on January 1, 2023:

9 The Dietitian Nutritionist Practice Act.

10 The Elevator Safety and Regulation Act.

11 The Fire Equipment Distributor and Employee Regulation Act
12 of 2011.

13 ~~The Funeral Directors and Embalmers Licensing Code.~~

14 The Naprapathic Practice Act.

15 The Pharmacy Practice Act.

16 The Professional Counselor and Clinical Professional
17 Counselor Licensing and Practice Act.

18 The Wholesale Drug Distribution Licensing Act.

19 (Source: P.A. 101-621, eff. 12-20-19.)

20 (5 ILCS 80/4.38)

21 Sec. 4.38. Acts repealed on January 1, 2028. The following
22 Acts are repealed on January 1, 2028:

1 The Acupuncture Practice Act.
2 The Clinical Social Work and Social Work Practice Act.
3 The Funeral Directors and Embalmers Licensing Code.
4 The Home Medical Equipment and Services Provider License
5 Act.
6 The Illinois Petroleum Education and Marketing Act.
7 The Illinois Speech-Language Pathology and Audiology
8 Practice Act.
9 The Interpreter for the Deaf Licensure Act of 2007.
10 The Nurse Practice Act.
11 The Nursing Home Administrators Licensing and Disciplinary
12 Act.
13 The Physician Assistant Practice Act of 1987.
14 The Podiatric Medical Practice Act of 1987.
15 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
16 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
17 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
18 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

19 Section 10. The Funeral Directors and Embalmers Licensing
20 Code is amended by changing Sections 1-10, 1-15, 1-30, 5-7,
21 5-10, 5-15, 5-18, 5-20, 10-7, 10-20, 10-30, 10-43, 15-10,
22 15-15, 15-18, 15-20, 15-21, 15-22, 15-30, 15-40, 15-41, 15-65,
23 15-75, 15-80, and 15-91 as follows:

24 (225 ILCS 41/1-10)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 1-10. Definitions. As used in this Code:

3 "Address of record" means the designated address recorded
4 by the Department in the applicant's or licensee's application
5 file or license file. ~~It is the duty of the applicant or
6 licensee to inform the Department of any changes of address
7 and those changes must be made either through the Department's
8 website or by contacting the Department.~~

9 "Applicant" means any person making application for a
10 license. Any applicants or people who hold themselves out as
11 applicants are considered licensees for purposes of
12 enforcement, investigation, hearings, and the Illinois
13 Administrative Procedure Act.

14 "Board" means the Funeral Directors and Embalmers
15 Licensing and Disciplinary Board.

16 "Certificate of Death" means a certificate of death as
17 referenced in the Illinois Vital Records Act.

18 "Department" means the Department of Financial and
19 Professional Regulation.

20 "Email address of record" means the designated email
21 address recorded by the Department in the applicant's
22 application file or the licensee's license file as maintained
23 by the Department's licensure maintenance unit.

24 "Funeral director and embalmer" means a person who is
25 licensed and qualified to practice funeral directing and to
26 prepare, disinfect and preserve dead human bodies by the

1 injection or external application of antiseptics,
2 disinfectants or preservative fluids and materials and to use
3 derma surgery or plastic art for the restoring of mutilated
4 features. It further means a person who restores the remains
5 of a person for the purpose of funeralization whose organs or
6 bone or tissue has been donated for anatomical purposes.

7 "Funeral director and embalmer intern" means a person
8 licensed by the Department who is qualified to render
9 assistance to a funeral director and embalmer in carrying out
10 the practice of funeral directing and embalming under the
11 supervision of the funeral director and embalmer.

12 "Embalming" means the process of sanitizing and chemically
13 treating a deceased human body in order to reduce the presence
14 and growth of microorganisms, to retard organic decomposition,
15 to render the remains safe to handle while retaining
16 naturalness of tissue, and to restore an acceptable physical
17 appearance for funeral viewing purposes.

18 "Funeral director" means a person, known by the title of
19 "funeral director" or other similar words or titles, licensed
20 by the Department who practices funeral directing.

21 "Funeral establishment", "funeral chapel", "funeral home",
22 or "mortuary" means a building or separate portion of a
23 building having a specific street address or location and
24 devoted to activities relating to the shelter, care, custody
25 and preparation of a deceased human body and which may contain
26 facilities for funeral or wake services.

1 "Licensee" means a person licensed under this Code as a
2 funeral director, funeral director and embalmer, or funeral
3 director and embalmer intern. Anyone who holds himself or
4 herself out as a licensee or who is accused of unlicensed
5 practice is considered a licensee for purposes of enforcement,
6 investigation, hearings, and the Illinois Administrative
7 Procedure Act.

8 "Owner" means the individual, partnership, corporation,
9 limited liability company, association, trust, estate, or
10 agent thereof, or other person or combination of persons who
11 owns a funeral establishment or funeral business.

12 "Person" means any individual, partnership, association,
13 firm, corporation, limited liability company, trust or estate,
14 or other entity. "Person" includes both natural persons and
15 legal entities.

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

18 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11;
19 97-1130, eff. 8-28-12.)

20 (225 ILCS 41/1-15)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 1-15. Funeral directing; definition. Conducting or
23 engaging in or representing or holding out oneself as
24 conducting or engaging ~~engaged~~ in any one or any combination
25 of the following practices constitutes the practice of funeral

1 directing:

2 (a) The practice of preparing, otherwise than by
3 embalming, for the burial, cremation, or disposition and
4 directing and supervising the burial or disposition of
5 deceased human remains or performing any act or service in
6 connection with the preparing of dead human bodies.
7 Preparation, direction, and supervision shall not be
8 construed to mean those functions normally performed by
9 cemetery and crematory personnel.

10 (b) The practice of operating a place for preparing
11 for the disposition of deceased human bodies or for caring
12 for deceased human bodies before their disposition.
13 Nothing in this Code shall prohibit the ownership and
14 management of such a place by an unlicensed owner if the
15 place is operated in accordance with this Code and the
16 unlicensed owner does not engage in any form of funeral
17 directing. An unlicensed owner may interact with consumers
18 while a licensed funeral director is present in accordance
19 with this Section.

20 (c) The removal of a deceased human body from its
21 place of death, institution, or other location. A licensed
22 funeral director and embalmer intern may remove a deceased
23 human body from its place of death, institution, or other
24 location without another licensee being present. The
25 licensed funeral director may engage others who are not
26 licensed funeral directors, licensed funeral director and

1 embalmers, or licensed funeral director and embalmer
2 interns to assist in the removal if the funeral director
3 directs and instructs them in handling and precautionary
4 procedures and accompanies them on all calls. The
5 transportation of deceased human remains to a cemetery,
6 crematory or other place of final disposition shall be
7 under the immediate direct supervision of a licensee
8 unless otherwise permitted by this Section. The
9 transportation of deceased human remains that are embalmed
10 or otherwise prepared and enclosed in an appropriate
11 container to some other place that is not the place of
12 final disposition, such as another funeral home or common
13 carrier, or to a facility that shares common ownership
14 with the transporting funeral home may be performed under
15 the general supervision of a licensee, but the supervision
16 need not be immediate or direct.

17 (d) The administering and conducting of, or assuming
18 responsibility for administering and conducting of, at
19 need funeral arrangements.

20 (e) The assuming custody of, transportation, providing
21 shelter, protection and care and disposition of deceased
22 human remains and the furnishing of necessary funeral
23 services, facilities and equipment.

24 (f) Using in connection with a name or practice the
25 word "funeral director", "undertaker", "mortician",
26 "funeral home", "funeral parlor", "funeral chapel", or any

1 other title implying that the person is engaged in the
2 practice of funeral directing.

3 Within the existing scope of the practice of funeral
4 directing or funeral directing and embalming, only a licensed
5 funeral director, a licensed funeral director and embalmer, or
6 a licensed funeral director and embalmer intern under the
7 restrictions provided for in this Code, and not any other
8 person employed or contracted by the licensee, may engage in
9 the following activities at-need: (1) have direct contact with
10 consumers and explain funeral or burial merchandise or
11 services or (2) negotiate, develop, or finalize contracts with
12 consumers. This paragraph shall not be construed or enforced
13 in such a manner as to limit the functions of persons regulated
14 under the Illinois Funeral or Burial Funds Act, the Illinois
15 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the
16 Cemetery Care Act, the Cemetery Association Act, the Illinois
17 Insurance Code, or any other related professional regulatory
18 Act.

19 The practice of funeral directing shall not include the
20 phoning in of obituary notices, ordering of flowers for the
21 funeral, or reporting of prices on the firm's general price
22 list as required by the Federal Trade Commission Funeral Rule
23 by nonlicensed persons, or like clerical tasks incidental to
24 the act of making funeral arrangements.

25 The making of funeral arrangements, at need, shall be done
26 only by licensed funeral directors or licensed funeral

1 directors and embalmers. Licensed funeral director and
2 embalmer interns may, however, assist or participate in the
3 arrangements under the direct supervision of a licensed
4 funeral director or licensed funeral director and embalmer.
5 (Source: P.A. 97-1130, eff. 8-28-12; 98-432, eff. 1-1-14.)

6 (225 ILCS 41/1-30)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 1-30. Powers of the Department. Subject to the
9 provisions of this Code, the Department may exercise the
10 following powers:

11 (1) To authorize examinations to ascertain the
12 qualifications and fitness of applicants for licensing as
13 a licensed funeral director and embalmer and pass upon the
14 qualifications of applicants for licensure.

15 (2) To examine the records of a licensed funeral
16 director or licensed funeral director and embalmer from
17 any year or any other aspect of funeral directing and
18 embalming as the Department deems appropriate.

19 (3) To investigate any and all funeral directing and
20 embalming activity.

21 (4) To conduct hearings on proceedings to refuse to
22 issue or renew licenses or to revoke, suspend, place on
23 probation, reprimand, or otherwise discipline a license
24 under this Code or take other non-disciplinary action.

25 (5) To adopt all necessary and reasonable rules and

1 regulations for the effective administration of this Code.

2 (6) To prescribe forms to be issued for the
3 administration and enforcement of this Code.

4 (7) (Blank). ~~To maintain rosters of the names and~~
5 ~~addresses of all licensees and all persons whose licenses~~
6 ~~have been suspended, revoked, denied renewal, or otherwise~~
7 ~~disciplined within the previous calendar year. These~~
8 ~~rosters shall be available upon written request and~~
9 ~~payment of the required fee as established by rule.~~

10 (8) To contract with third parties for services
11 necessary for the proper administration of this Code
12 including, without limitation, investigators with the
13 proper knowledge, training, and skills to properly inspect
14 funeral homes and investigate complaints under this Code.

15 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

16 (225 ILCS 41/5-7)

17 (Section scheduled to be repealed on January 1, 2023)

18 Sec. 5-7. Address of record; email address of record. All
19 applicants and licensees shall:

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

25 (2) It is the duty of the applicant or licensee to

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

6 (Source: P.A. 96-1463, eff. 1-1-11.)

7 (225 ILCS 41/5-10)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 5-10. Funeral director license; display. Every holder
10 of a license as a funeral director shall display it, or a copy,
11 in a conspicuous place in the licensee's place of practice or
12 in the place of practice in which the licensee is employed or
13 contracted. If the licensee is engaged in funeral directing at
14 more than one place of practice, then in the licensee's
15 principal place of practice or the principal place of practice
16 of the licensee's employer and a copy of the license shall be
17 displayed in a conspicuous place at all other places of
18 practice. Every displayed license shall have the license
19 number visible.

20 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

21 (225 ILCS 41/5-15)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 5-15. Renewal; reinstatement; restoration. The
24 expiration date and renewal period for each license issued

1 under this Article shall be set by rule. The holder of a
2 license as a licensed funeral director may renew the license
3 during the month preceding the expiration date of the license
4 by paying the required fee. A licensed funeral director whose
5 license has expired may have the license reinstated within 5
6 years from the date of expiration upon payment of the required
7 reinstatement fee. The reinstatement shall be effective as of
8 the date of reissuance of the license.

9 Any licensed funeral director whose license has been
10 expired for more than 5 years may have the license restored
11 only by fulfilling the requirements of the Department's rules
12 and by paying the required restoration fee. However, any
13 licensed funeral director whose license has expired while he
14 or she has been engaged (1) in federal service on active duty
15 with the United States Army, Navy, Marine Corps, Air Force, or
16 Coast Guard, or the State Militia called into the service or
17 training of the United States of America or (2) in training or
18 education under the supervision of the United States
19 preliminary to induction into the military service may have
20 his or her license restored without paying any lapsed renewal
21 fees or restoration fee or without passing any examination if,
22 within 2 years after termination of the service, training or
23 education other than by dishonorable discharge, he or she
24 furnishes the Department with an affidavit to the effect that
25 he or she has been so engaged and that his or her service,
26 training or education has been so terminated.

1 In addition to any other requirement for renewal of a
2 license or reinstatement or restoration of an expired license,
3 as a condition for the renewal, reinstatement, or restoration
4 of a license as a licensed funeral director, each licensee
5 shall provide evidence to the Department of completion of at
6 least 12 hours of continuing education during the 24 months
7 preceding the expiration date of the license, or in the case of
8 reinstatement or restoration, during the 24 months preceding
9 application for reinstatement or restoration. The continuing
10 education sponsors shall be approved by the Board. In
11 addition, any qualified continuing education course for
12 funeral directors offered by a college, university, the
13 Illinois Funeral Directors Association, Funeral Directors
14 Services Association of Greater Chicago, Cook County
15 Association of Funeral Home Owners, Inc., Illinois Selected
16 Morticians Association, Inc., Illinois Cemetery and Funeral
17 Home Association, National Funeral Directors Association,
18 Selected Independent Funeral Homes, National Funeral Directors
19 and Morticians Association, Inc., International Order of the
20 Golden Rule, or an Illinois school of mortuary science shall
21 be accepted toward satisfaction of the continuing education
22 requirements.

23 The Department shall establish by rule a means for
24 verification of completion of the continuing education
25 required by this Section. This verification may be
26 accomplished through audits of records maintained by

1 licensees, by requiring the filing of continued education
2 certificates with the Department or a qualified organization
3 selected by the Department to maintain these records, or by
4 other means established by the Department.

5 Except as otherwise provided in this paragraph, a person
6 who is licensed as a funeral director under this Code and who
7 has engaged in the practice of funeral directing for at least
8 40 years shall be exempt from the continuing education
9 requirements of this Section. ~~Licensees who have not engaged~~
10 ~~in the practice of funeral directing for at least 40 years by~~
11 ~~January 1, 2016 shall not receive this exemption after that~~
12 ~~date.~~ In addition, the Department shall establish by rule an
13 exemption or exception, for a limited period of time, for
14 funeral directors who, by reason of advanced age, health or
15 other extreme condition should reasonably be excused from the
16 continuing education requirement upon the approval of the
17 Secretary. Those persons, identified above, who cannot attend
18 on-site classes, shall have the opportunity to comply by
19 completing home study courses designed for them by sponsors.
20 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

21 (225 ILCS 41/5-18)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 5-18. Inactive status.

24 (a) Any funeral director who notifies the Department in
25 writing on forms prescribed by the Department may elect to

1 place his or her license on an inactive status and shall,
2 subject to rules of the Department, be excused from payment of
3 renewal fees and completion of continuing education
4 requirements until he or she notifies the Department in
5 writing of an intent to restore or reinstate the license to
6 active status.

7 (b) Any licensee who has permitted his or her license to
8 expire or who has had his or her license on inactive status may
9 have the license restored by making application to the
10 Department, by filing proof acceptable to the Department of
11 his or her fitness to have the license restored, and by paying
12 the required fees. Proof of fitness may include sworn evidence
13 certifying to active lawful practice in another jurisdiction.
14 If the licensee has not maintained an active practice in
15 another jurisdiction satisfactory to the Department, then the
16 Department shall determine the licensee's fitness to resume
17 active status and may require successful completion of a
18 practical examination or any other method it deems
19 appropriate, including, but not limited to, those established
20 by rule ~~by an evaluation program, established by rule, his or~~
21 ~~her fitness for restoration of the license and shall establish~~
22 ~~procedures and requirements for restoration.~~ Any licensee
23 whose license is on inactive status shall not practice in the
24 State.

25 (c) Any licensee whose license is on inactive status or in
26 a non-renewed status shall not engage in the practice of

1 funeral directing in the State or use the title or advertise
2 that he or she performs the services of a licensed funeral
3 director. Any person violating this Section shall be
4 considered to be practicing without a license and shall be
5 subject to the disciplinary provisions of this Code.

6 (Source: P.A. 97-1130, eff. 8-28-12.)

7 (225 ILCS 41/5-20)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 5-20. Disposition of unclaimed cremated remains. The
10 holder of a license is authorized at his or her discretion to
11 effect a final disposition of the unclaimed cremated remains
12 of any cremated human body if no person lawfully entitled to
13 the custody of the remains ~~ashes~~ makes or has made a proper
14 request for them within 60 days ~~one year~~ of the date of death
15 of the person whose body was cremated.

16 (Source: P.A. 97-1130, eff. 8-28-12.)

17 (225 ILCS 41/10-7)

18 (Section scheduled to be repealed on January 1, 2023)

19 Sec. 10-7. Address of record; email address of record. All
20 applicants and licensees shall:

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

1 license; and

2 (2) ~~It is the duty of the applicant or licensee to~~
3 inform the Department of any change of address within 14
4 days after the change of address of record or email
5 address of record, either through the Department's website
6 or by contacting the Department's licensure maintenance
7 unit.

8 (Source: P.A. 96-1463, eff. 1-1-11.)

9 (225 ILCS 41/10-20)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 10-20. Application. Every person who desires to
12 obtain a license under this Code shall apply to the Department
13 in writing on forms or electronically as prescribed ~~prepared~~
14 ~~and furnished~~ by the Department. The application shall contain
15 proof of the particular qualifications required of the
16 applicant, shall be certified by the applicant, and shall be
17 accompanied by the required fee that shall not be refundable.
18 Applicants have 3 years after the date of application to
19 complete the application process. If the process has not been
20 completed in 3 years, then the application shall be denied,
21 the fee shall be forfeited, and the applicant must reapply and
22 meet the requirements in effect at the time of reapplication.

23 (Source: P.A. 97-1130, eff. 8-28-12.)

24 (225 ILCS 41/10-30)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 10-30. Issuance, display of license. Whenever an
3 applicant has met the requirements of this Code, the
4 Department may ~~shall~~ issue to the applicant a license as a
5 licensed funeral director and embalmer or licensed funeral
6 director and embalmer intern, as the case may be.

7 Every holder of a license shall display it in a
8 conspicuous place in the licensee's place of practice or in
9 the place of practice in which the licensee is employed or
10 contracted. If the licensee is engaged in funeral directing
11 and embalming at more than one place of practice, then the
12 license shall be displayed in the licensee's principal place
13 of practice or the principal place of practice of the
14 licensee's employer and a copy of the license shall be
15 displayed in a conspicuous place at all other places of
16 practice. Every displayed license shall have the license
17 number visible.

18 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

19 (225 ILCS 41/10-43)

20 (Section scheduled to be repealed on January 1, 2023)

21 Sec. 10-43. Endorsement. The Department may issue a
22 funeral director and embalmer license, without the required
23 examination, to an applicant licensed by another state,
24 territory, possession of the United States, or the District of
25 Columbia, if (i) the licensing requirements of that licensing

1 authority are, on the date of licensure, substantially
2 equivalent ~~equal~~ to the requirements set forth under this Code
3 and (ii) the applicant provides the Department with evidence
4 of good standing from the licensing authority of that
5 jurisdiction. An applicant under this Section shall pay all of
6 the required fees.

7 (Source: P.A. 97-1130, eff. 8-28-12.)

8 (225 ILCS 41/15-10)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 15-10. Administrative Procedure Act. The Illinois
11 Administrative Procedure Act is hereby expressly adopted and
12 incorporated into this Code as if all of the provisions of that
13 Act were included in this Code, except that the provision of
14 subsection (d) of Section 10-65 of the Illinois Administrative
15 Procedure Act that provides that at hearings the licensee has
16 the right to show compliance with all lawful requirements for
17 retention, continuation or renewal of the license is
18 specifically excluded. For the purposes of this Code the
19 notice required under Section 10-25 of the Illinois
20 Administrative Procedure Act is deemed sufficient when mailed
21 to the address of record or when emailed to the email address
22 of record.

23 (Source: P.A. 96-1463, eff. 1-1-11.)

24 (225 ILCS 41/15-15)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 15-15. Complaints; investigations; hearings. The
3 Department may investigate the actions of any applicant or of
4 any person or persons rendering or offering to render services
5 or any person holding or claiming to hold a license under this
6 Code.

7 The Department shall, before refusing to issue or renew a
8 license or seeking to discipline a licensee under Section
9 15-75 ~~75~~, at least 30 days before the date set for the hearing,
10 (i) notify the accused in writing of the charges made and the
11 time and place for the hearing on the charges, (ii) direct him
12 or her to file a written answer to the charges under oath
13 within 20 days after service, and (iii) inform the applicant
14 or licensee that failure to answer shall result in a default
15 being entered against the applicant or licensee.

16 At the time and place fixed in the notice, the Board or the
17 hearing officer appointed by the Secretary shall proceed to
18 hear the charges and the parties or their counsel shall be
19 accorded ample opportunity to present any pertinent
20 statements, testimony, evidence, and arguments. The Board or
21 hearing officer may continue the hearing from time to time. In
22 case the person, after receiving the notice, fails to file an
23 answer, his or her license may, in the discretion of the
24 Secretary, ~~having first received the recommendation of the~~
25 ~~Board,~~ be suspended, revoked, or placed on probationary
26 status, or be subject to whatever disciplinary action the

1 Secretary considers proper, including limiting the scope,
2 nature, or extent of the person's practice or the imposition
3 of a fine, without a hearing, if the act or acts charged
4 constitute sufficient grounds for that action under this Code.
5 The written notice and any notice in the subsequent proceeding
6 may be served by regular ~~or certified~~ mail or email to the
7 licensee's address of record.

8 (Source: P.A. 96-48, eff. 7-17-09; 96-1463, eff. 1-1-11;
9 97-1130, eff. 8-28-12.)

10 (225 ILCS 41/15-18)

11 (Section scheduled to be repealed on January 1, 2023)

12 Sec. 15-18. Temporary suspension. The Secretary may
13 temporarily suspend the license of a licensee without a
14 hearing, simultaneously with the institution of proceedings
15 for a hearing provided in Section 15-15 of this Code, if the
16 Secretary finds that the public interest, safety, or welfare
17 requires such emergency action. In the event that the
18 Secretary temporarily suspends a license without a hearing
19 before the Board or a duly appointed hearing officer, a
20 hearing shall be held within 30 days after the suspension has
21 occurred. The suspended licensee may seek a continuance of the
22 hearing, during which time the suspension shall remain in
23 effect. The proceeding shall be concluded without appreciable
24 delay. If the Department does not hold a hearing within 30 days
25 after the date of the suspension, unless continued at the

1 request of the suspended licensee, then the licensee's license
2 shall be automatically reinstated.

3 (Source: P.A. 97-1130, eff. 8-28-12.)

4 (225 ILCS 41/15-20)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 15-20. Transcript; record of proceedings.

7 (a) The Department, at its expense, shall provide a
8 certified shorthand reporter to take down the testimony and
9 preserve a record of all proceedings at the hearing of any case
10 in which a licensee may be revoked, suspended, placed on
11 probationary status, reprimanded, fined, or subjected to other
12 disciplinary action with reference to the license when a
13 disciplinary action is authorized under this Act and rules.
14 The notice of hearing, complaint, and all other documents in
15 the nature of pleadings and written portions filed in the
16 proceedings, the transcript of the testimony, the report of
17 the hearing officer, and the orders of the Department shall be
18 the records of the proceedings. The record may be made
19 available to any person interested in the hearing upon payment
20 of the fee required by Section 2105-115 of the Department of
21 Professional Regulation Law of the Civil Administrative Code
22 of Illinois ~~preserve a record of all proceedings at the formal~~
23 ~~hearing of any case. The notice of hearing, complaint and all~~
24 ~~other documents in the nature of pleadings and written motions~~
25 ~~filed in the proceedings, the transcript of testimony, the~~

1 ~~report of the Board or hearing officer, and the orders of the~~
2 ~~Department shall be the record of the proceedings.~~

3 (b) The Department may contract for court reporting
4 services, and, if it does so, the Department shall provide the
5 name and contact information for the certified shorthand
6 reporter who transcribed the testimony at a hearing to any
7 person interested, who may obtain a copy of the transcript of
8 any proceedings at a hearing upon payment of the fee specified
9 by the certified shorthand reporter.

10 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

11 (225 ILCS 41/15-21)

12 (Section scheduled to be repealed on January 1, 2023)

13 Sec. 15-21. Findings and recommendations. At the
14 conclusion of the hearing, the Board or hearing officer shall
15 present to the Secretary a written report of its findings of
16 fact, conclusions of law, and recommendations. The report
17 shall contain a finding of whether or not the accused person
18 violated this Code or its rules or failed to comply with the
19 conditions required in this Code or its rules. The Board shall
20 specify the nature of any violations or failure to comply and
21 shall make its recommendations to the Secretary. In making
22 recommendations for any disciplinary action, the Board may
23 take into consideration all facts and circumstances including,
24 but not limited to: the seriousness of the offenses; the
25 presence of multiple offenses; prior disciplinary history or

1 the lack thereof, including actions taken by other agencies in
2 this State, by other states or jurisdictions, hospitals,
3 health care facilities, residency programs, employers, or
4 professional liability insurance companies or any of the armed
5 forces of the United States or any state; the impact of the
6 offenses on any injured party; the vulnerability of any
7 injured party, including, but not limited to, consideration of
8 the injured party's age, disability, or mental illness; motive
9 for the offense; contrition or lack thereof for the offense;
10 financial gain as a result of committing the offenses;
11 cooperation or lack thereof with the Department or other
12 investigative authorities; restitution to injured parties;
13 whether the conduct was self-reported; and any voluntary
14 remedial actions taken ~~bearing upon the reasonableness of the~~
15 ~~conduct of the accused and the potential for future harm to the~~
16 ~~public, including, but not limited to, previous discipline of~~
17 ~~the accused by the Department, intent, degree of harm to the~~
18 ~~public and likelihood of harm in the future, any restitution~~
19 ~~made by the accused, and whether the incident or incidents~~
20 ~~contained in the complaint appear to be isolated or represent~~
21 ~~a continuing pattern of conduct.~~ In making its recommendations
22 for discipline, the Board shall endeavor to ensure that the
23 severity of the discipline recommended is reasonably related
24 to the severity of the violation.

25 The report of findings of fact, conclusions of law, and
26 recommendation of the Board or hearing officer shall be the

1 basis for the Secretary's order refusing to issue, restore, or
2 renew a license, or otherwise disciplining a licensee. If the
3 Secretary disagrees with the recommendations of the Board or
4 hearing officer, the Secretary may issue an order in
5 contravention of the Board or hearing officer's
6 recommendations. The finding is not admissible in evidence
7 against the person in a criminal prosecution brought for a
8 violation of this Code, but the hearing and finding are not a
9 bar to a criminal prosecution brought for a violation of this
10 Code.

11 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

12 (225 ILCS 41/15-22)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 15-22. Rehearing. At the conclusion of the hearing,
15 a copy of the Board or hearing officer's report shall be served
16 upon the applicant or licensee by the Department, either
17 personally or as provided in this Code for the service of a
18 notice of hearing. Within 20 ~~calendar~~ days after service, the
19 applicant or licensee may present to the Department a motion
20 in writing for a rehearing, which shall specify the particular
21 grounds for rehearing. ~~The Department may respond to the~~
22 ~~motion for rehearing within 20 calendar days after its service~~
23 ~~on the Department.~~ If no motion for rehearing is filed, then
24 upon the expiration of the time specified for filing such a
25 motion, or if a motion for rehearing is denied, then upon

1 denial, the Secretary may enter an order in accordance with
2 the recommendations of the Board or hearing officer. If the
3 applicant or licensee orders from the reporting service and
4 pays for a transcript of the record within the time for filing
5 a motion for rehearing, the 20-day period within which a
6 motion may be filed shall commence upon the delivery of the
7 transcript to the applicant or licensee.

8 If the Secretary believes that substantial justice has not
9 been done in the revocation, suspension, or refusal to issue,
10 restore, or renew a license, or other discipline of an
11 applicant or licensee, he or she may order a rehearing by the
12 same or other hearing officers.

13 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

14 (225 ILCS 41/15-30)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 15-30. Unlicensed practice; violations; civil penalty
17 ~~Mental incompetence; suspension.~~

18 (a) Any person who practices, offers to practice, attempts
19 to practice, or holds one's self out as a funeral director or a
20 funeral director and embalmer or a funeral director and
21 embalmer intern as provided in this Code without being
22 licensed or exempt under this Code shall, in addition to any
23 other penalty provided by law, pay a civil penalty to the
24 Department in an amount not to exceed \$10,000 for each
25 offense, as determined by the Department. The civil penalty

1 shall be assessed by the Department after a hearing is held in
2 accordance with Section 15-75.

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

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

10 (d) A person or entity not licensed under this Code who has
11 violated any provision of this Code or its rules is guilty of a
12 Class A misdemeanor for the first offense and a Class 4 felony
13 for a second and subsequent offenses.

14 ~~The entry of a judgment by any court of competent jurisdiction~~
15 ~~establishing the mental incompetence of any person holding a~~
16 ~~license under this Code operates as a suspension of that~~
17 ~~person's license. The person may resume his or her practice~~
18 ~~only upon a finding by a court of competent jurisdiction that~~
19 ~~the person has recovered mental capacity.~~

20 (Source: P.A. 96-1463, eff. 1-1-11.)

21 (225 ILCS 41/15-40)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 15-40. Certification of record; receipt. The
24 Department shall not be required to certify any record to the
25 court, to file an answer in court, or otherwise to appear in

1 any court in a judicial review proceeding unless and until the
2 Department has received from the plaintiff payment of the
3 costs of furnishing and certifying the record, which costs
4 shall be determined by the Department. ~~Exhibits shall be~~
5 ~~certified without cost.~~ Failure on the part of the Plaintiff
6 to file a receipt in court is grounds for dismissal of the
7 action.

8 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

9 (225 ILCS 41/15-41)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 15-41. Order or certified copy; prima facie proof. An
12 order or certified copy thereof, over the seal of the
13 Department and purporting to be signed by the Secretary, is
14 prima facie proof that:

15 (1) the signature is the genuine signature of the
16 Secretary; ~~and~~

17 (2) the Secretary is duly appointed and qualified;
18 ~~and-~~

19 (3) the Board and the members of the Board are
20 qualified to act.

21 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

22 (225 ILCS 41/15-65)

23 (Section scheduled to be repealed on January 1, 2023)

24 Sec. 15-65. Fees. The Department shall provide by rule for

1 a schedule of fees for the administration and enforcement of
2 this Code, including but not limited to, original licensure,
3 renewal, and restoration. The fees shall be nonrefundable.

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

9 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

10 (225 ILCS 41/15-75)

11 (Section scheduled to be repealed on January 1, 2023)

12 Sec. 15-75. Grounds ~~Violations; grounds~~ for discipline;
13 penalties.

14 (a) (Blank). ~~Each of the following acts is a Class A~~
15 ~~misdemeanor for the first offense, and a Class 4 felony for~~
16 ~~each subsequent offense. These penalties shall also apply to~~
17 ~~unlicensed owners of funeral homes.~~

18 ~~(1) Practicing the profession of funeral directing and~~
19 ~~embalming or funeral directing, or attempting to practice~~
20 ~~the profession of funeral directing and embalming or~~
21 ~~funeral directing without a license as a funeral director~~
22 ~~and embalmer or funeral director.~~

23 ~~(2) Serving or attempting to serve as an intern under~~
24 ~~a licensed funeral director and embalmer without a license~~
25 ~~as a licensed funeral director and embalmer intern.~~

1 ~~(3) Obtaining or attempting to obtain a license,~~
2 ~~practice or business, or any other thing of value, by~~
3 ~~fraud or misrepresentation.~~

4 ~~(4) Permitting any person in one's employ, under one's~~
5 ~~control or in or under one's service to serve as a funeral~~
6 ~~director and embalmer, funeral director, or funeral~~
7 ~~director and embalmer intern when the person does not have~~
8 ~~the appropriate license.~~

9 ~~(5) Failing to display a license as required by this~~
10 ~~Code.~~

11 ~~(6) Giving false information or making a false oath or~~
12 ~~affidavit required by this Code.~~

13 (b) The Department may refuse to issue or renew, revoke,
14 suspend, place on probation or administrative supervision,
15 reprimand, or take other disciplinary or non-disciplinary
16 action as the Department may deem appropriate, including
17 ~~imposing~~ fines not to exceed \$10,000 for each violation, with
18 regard to any license under the Code for any one or combination
19 of the following:

20 (1) Fraud or any misrepresentation in applying for or
21 procuring a license under this Code or in connection with
22 applying for renewal of a license under this Code.

23 (2) For licenses, conviction by plea of guilty or nolo
24 contendere, finding of guilt, jury verdict, or entry of
25 judgment or by sentencing of any crime, including, but not
26 limited to, convictions, preceding sentences of

1 supervision, conditional discharge, or first offender
2 probation, under the laws of any jurisdiction of the
3 United States: (i) that is a felony or (ii) that is a
4 misdemeanor, an essential element of which is dishonesty,
5 or that is directly related to the practice of the
6 profession and, for initial applicants, convictions set
7 forth in Section 15-72 of this Act.

8 (3) Violation of the laws of this State relating to
9 the funeral, burial or disposition of deceased human
10 bodies or of the rules and regulations of the Department,
11 or the Department of Public Health.

12 (4) Directly or indirectly paying or causing to be
13 paid any sum of money or other valuable consideration for
14 the securing of business or for obtaining authority to
15 dispose of any deceased human body.

16 (5) Professional incompetence, gross negligence,
17 malpractice, or untrustworthiness in the practice of
18 funeral directing and embalming or funeral directing.

19 (6) (Blank).

20 (7) Engaging in, promoting, selling, or issuing burial
21 contracts, burial certificates, or burial insurance
22 policies in connection with the profession as a funeral
23 director and embalmer, funeral director, or funeral
24 director and embalmer intern in violation of any laws of
25 the State of Illinois.

26 (8) Refusing, without cause, to surrender the custody

1 of a deceased human body upon the proper request of the
2 person or persons lawfully entitled to the custody of the
3 body.

4 (9) Taking undue advantage of a client or clients as
5 to amount to the perpetration of fraud.

6 (10) Engaging in funeral directing and embalming or
7 funeral directing without a license.

8 (11) Encouraging, requesting, or suggesting by a
9 licensee or some person working on his behalf and with his
10 consent for compensation that a person utilize the
11 services of a certain funeral director and embalmer,
12 funeral director, or funeral establishment unless that
13 information has been expressly requested by the person.
14 This does not prohibit general advertising or pre-need
15 solicitation.

16 (12) Making or causing to be made any false or
17 misleading statements about the laws concerning the
18 disposition of human remains, including, but not limited
19 to, the need to embalm, the need for a casket for cremation
20 or the need for an outer burial container.

21 (13) (Blank).

22 (14) Embalming or attempting to embalm a deceased
23 human body without express prior authorization of the
24 person responsible for making the funeral arrangements for
25 the body. This does not apply to cases where embalming is
26 directed by local authorities who have jurisdiction or

1 when embalming is required by State or local law. A
2 licensee may embalm without express prior authorization if
3 a good faith effort has been made to contact family
4 members and has been unsuccessful and the licensee has no
5 reason to believe the family opposes embalming.

6 (15) Making a false statement on a Certificate of
7 Death where the person making the statement knew or should
8 have known that the statement was false.

9 (16) Soliciting human bodies after death or while
10 death is imminent.

11 (17) Performing any act or practice that is a
12 violation of this Code, the rules for the administration
13 of this Code, or any federal, State or local laws, rules,
14 or regulations governing the practice of funeral directing
15 or embalming.

16 (18) Performing any act or practice that is a
17 violation of Section 2 of the Consumer Fraud and Deceptive
18 Business Practices Act.

19 (19) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public.

22 (20) Taking possession of a dead human body without
23 having first obtained express permission from the person
24 holding the right to control the disposition in accordance
25 with Section 5 of the Disposition of Remains Act or a
26 public agency legally authorized to direct, control or

1 permit the removal of deceased human bodies.

2 (21) Advertising in a false or misleading manner or
3 advertising using the name of an unlicensed person in
4 connection with any service being rendered in the practice
5 of funeral directing or funeral directing and embalming.
6 The use of any name of an unlicensed or unregistered
7 person in an advertisement so as to imply that the person
8 will perform services is considered misleading
9 advertising. Nothing in this paragraph shall prevent
10 including the name of any owner, officer or corporate
11 director of a funeral home, who is not a licensee, in any
12 advertisement used by a funeral home with which the
13 individual is affiliated, if the advertisement specifies
14 the individual's affiliation with the funeral home.

15 (22) Charging for professional services not rendered,
16 including filing false statements for the collection of
17 fees for which services are not rendered.

18 (23) Failing to account for or remit any monies,
19 documents, or personal property that belongs to others
20 that comes into a licensee's possession.

21 (24) Treating any person differently to his detriment
22 because of race, color, creed, gender, religion, or
23 national origin.

24 (25) Knowingly making any false statements, oral or
25 otherwise, of a character likely to influence, persuade or
26 induce others in the course of performing professional

1 services or activities.

2 (26) Willfully making or filing false records or
3 reports in the practice of funeral directing and
4 embalming, including, but not limited to, false records
5 filed with State agencies or departments.

6 (27) Failing to acquire continuing education required
7 under this Code.

8 (28) (Blank).

9 (29) Aiding or assisting another person in violating
10 any provision of this Code or rules adopted pursuant to
11 this Code.

12 (30) Failing within 10 days, to provide information in
13 response to a written request made by the Department.

14 (31) Discipline by another state, District of
15 Columbia, territory, foreign nation, or governmental
16 agency, if at least one of the grounds for the discipline
17 is the same or substantially equivalent to those set forth
18 in this Section.

19 (32) (Blank).

20 (33) Mental illness or disability which results in the
21 inability to practice the profession with reasonable
22 judgment, skill, or safety.

23 (34) Gross, willful, or continued overcharging for
24 professional services, including filing false statements
25 for collection of fees for which services are not
26 rendered.

1 (35) Physical illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill which results in a licensee's inability to practice
4 under this Code with reasonable judgment, skill, or
5 safety.

6 (36) Failing to comply with any of the following
7 required activities:

8 (A) When reasonably possible, a funeral director
9 licensee or funeral director and embalmer licensee or
10 anyone acting on his or her behalf shall obtain the
11 express authorization of the person or persons
12 responsible for making the funeral arrangements for a
13 deceased human body prior to removing a body from the
14 place of death or any place it may be or embalming or
15 attempting to embalm a deceased human body, unless
16 required by State or local law. This requirement is
17 waived whenever removal or embalming is directed by
18 local authorities who have jurisdiction. If the
19 responsibility for the handling of the remains
20 lawfully falls under the jurisdiction of a public
21 agency, then the regulations of the public agency
22 shall prevail.

23 (B) A licensee shall clearly mark the price of any
24 casket offered for sale or the price of any service
25 using the casket on or in the casket if the casket is
26 displayed at the funeral establishment. If the casket

1 is displayed at any other location, regardless of
2 whether the licensee is in control of that location,
3 the casket shall be clearly marked and the registrant
4 shall use books, catalogues, brochures, or other
5 printed display aids to show the price of each casket
6 or service.

7 (C) At the time funeral arrangements are made and
8 prior to rendering the funeral services, a licensee
9 shall furnish a written statement of services to be
10 retained by the person or persons making the funeral
11 arrangements, signed by both parties, that shall
12 contain: (i) the name, address and telephone number of
13 the funeral establishment and the date on which the
14 arrangements were made; (ii) the price of the service
15 selected and the services and merchandise included for
16 that price; (iii) a clear disclosure that the person
17 or persons making the arrangement may decline and
18 receive credit for any service or merchandise not
19 desired and not required by law or the funeral
20 director or the funeral director and embalmer; (iv)
21 the supplemental items of service and merchandise
22 requested and the price of each item; (v) the terms or
23 method of payment agreed upon; and (vi) a statement as
24 to any monetary advances made by the registrant on
25 behalf of the family. The licensee shall maintain a
26 copy of the written statement of services in its

1 permanent records. All written statements of services
2 are subject to inspection by the Department.

3 (D) In all instances where the place of final
4 disposition of a deceased human body or the cremated
5 remains of a deceased human body is a cemetery, the
6 licensed funeral director and embalmer, or licensed
7 funeral director, who has been engaged to provide
8 funeral or embalming services shall remain at the
9 cemetery and personally witness the placement of the
10 human remains in their designated grave or the sealing
11 of the above ground depository, crypt, or urn. The
12 licensed funeral director or licensed funeral director
13 and embalmer may designate a licensed funeral director
14 and embalmer intern or representative of the funeral
15 home to be his or her witness to the placement of the
16 remains. If the cemetery authority, cemetery manager,
17 or any other agent of the cemetery takes any action
18 that prevents compliance with this paragraph (D), then
19 the funeral director and embalmer or funeral director
20 shall provide written notice to the Department within
21 5 business days after failing to comply. If the
22 Department receives this notice, then the Department
23 shall not take any disciplinary action against the
24 funeral director and embalmer or funeral director for
25 a violation of this paragraph (D) unless the
26 Department finds that the cemetery authority, manager,

1 or any other agent of the cemetery did not prevent the
2 funeral director and embalmer or funeral director from
3 complying with this paragraph (D) as claimed in the
4 written notice.

5 (E) A funeral director or funeral director and
6 embalmer shall fully complete the portion of the
7 Certificate of Death under the responsibility of the
8 funeral director or funeral director and embalmer and
9 provide all required information. In the event that
10 any reported information subsequently changes or
11 proves incorrect, a funeral director or funeral
12 director and embalmer shall immediately upon learning
13 the correct information correct the Certificate of
14 Death.

15 (37) A finding by the Department that the licensee,
16 after having his or her license placed on probationary
17 status or subjected to conditions or restrictions,
18 violated the terms of the probation or failed to comply
19 with such terms or conditions.

20 (38) (Blank).

21 (39) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 pursuant to the Abused and Neglected Child Reporting Act
24 and, upon proof by clear and convincing evidence, being
25 found to have caused a child to be an abused child or
26 neglected child as defined in the Abused and Neglected

1 Child Reporting Act.

2 (40) Habitual or excessive use or abuse of drugs
3 defined in law as controlled substances, alcohol, or any
4 other substance which results in the inability to practice
5 with reasonable judgment, skill, or safety.

6 (41) Practicing under a false or, except as provided
7 by law, an assumed name.

8 (42) Cheating on or attempting to subvert the
9 licensing examination administered under this Code.

10 (c) The Department may refuse to issue or renew or may
11 suspend without a hearing, as provided for in the Department
12 of Professional Regulation Law of the Civil Administrative
13 Code of Illinois, the license of any person who fails to file a
14 return, to pay the tax, penalty or interest shown in a filed
15 return, or to pay any final assessment of tax, penalty or
16 interest as required by any tax Act administered by the
17 Illinois Department of Revenue, until the time as the
18 requirements of the tax Act are satisfied in accordance with
19 subsection (g) of Section 2105-15 of the Department of
20 Professional Regulation Law of the Civil Administrative Code
21 of Illinois.

22 (d) No action may be taken under this Code against a person
23 licensed under this Code unless the action is commenced within
24 5 years after the occurrence of the alleged violations. A
25 continuing violation shall be deemed to have occurred on the
26 date when the circumstances last existed that give rise to the

1 alleged violation.

2 (e) Nothing in this Section shall be construed or enforced
3 to give a funeral director and embalmer, or his or her
4 designees, authority over the operation of a cemetery or over
5 cemetery employees. Nothing in this Section shall be construed
6 or enforced to impose duties or penalties on cemeteries with
7 respect to the timing of the placement of human remains in
8 their designated grave or the sealing of the above ground
9 depository, crypt, or urn due to patron safety, the allocation
10 of cemetery staffing, liability insurance, a collective
11 bargaining agreement, or other such reasons.

12 (f) All fines imposed under this Section shall be paid 60
13 days after the effective date of the order imposing the fine.

14 (g) (Blank).

15 (h) In cases where the Department of Healthcare and Family
16 Services has previously determined a licensee or a potential
17 licensee is more than 30 days delinquent in the payment of
18 child support and has subsequently certified the delinquency
19 to the Department, the Department may refuse to issue or renew
20 or may revoke or suspend that person's license or may take
21 other disciplinary action against that person based solely
22 upon the certification of delinquency made by the Department
23 of Healthcare and Family Services in accordance with item (5)
24 of subsection (a) of Section 2105-15 of the Department of
25 Professional Regulation Law of the Civil Administrative Code
26 of Illinois.

1 (i) A person not licensed under this Code who is an owner
2 of a funeral establishment or funeral business shall not aid,
3 abet, assist, procure, advise, employ, or contract with any
4 unlicensed person to offer funeral services or aid, abet,
5 assist, or direct any licensed person contrary to or in
6 violation of any rules or provisions of this Code. A person
7 violating this subsection shall be treated as a licensee for
8 the purposes of disciplinary action under this Section and
9 shall be subject to cease and desist orders as provided in this
10 Code, the imposition of a fine up to \$10,000 for each violation
11 and any other penalty provided by law.

12 (j) The determination by a circuit court that a licensee
13 is subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code, as amended, operates as an automatic suspension. The
16 suspension may end only upon a finding by a court that the
17 licensee is no longer subject to the involuntary admission or
18 judicial admission and issues an order so finding and
19 discharging the licensee, and upon the recommendation of the
20 Board to the Secretary that the licensee be allowed to resume
21 his or her practice.

22 (k) In enforcing this Code, the Department, upon a showing
23 of a possible violation, may compel an individual licensed to
24 practice under this Code, or who has applied for licensure
25 under this Code, to submit to a mental or physical
26 examination, or both, as required by and at the expense of the

1 Department. The Department may order the examining physician
2 to present testimony concerning the mental or physical
3 examination of the licensee or applicant. No information shall
4 be excluded by reason of any common law or statutory privilege
5 relating to communications between the licensee or applicant
6 and the examining physician. The examining physician shall be
7 specifically designated by the Department. The individual to
8 be examined may have, at his or her own expense, another
9 physician of his or her choice present during all aspects of
10 this examination. The examination shall be performed by a
11 physician licensed to practice medicine in all its branches.
12 Failure of an individual to submit to a mental or physical
13 examination, when directed, shall result in an automatic
14 suspension without hearing.

15 A person holding a license under this Code or who has
16 applied for a license under this Code who, because of a
17 physical or mental illness or disability, including, but not
18 limited to, deterioration through the aging process or loss of
19 motor skill, is unable to practice the profession with
20 reasonable judgment, skill, or safety, may be required by the
21 Department to submit to care, counseling, or treatment by
22 physicians approved or designated by the Department as a
23 condition, term, or restriction for continued, reinstated, or
24 renewed licensure to practice. Submission to care, counseling,
25 or treatment as required by the Department shall not be
26 considered discipline of a license. If the licensee refuses to

1 enter into a care, counseling, or treatment agreement or fails
2 to abide by the terms of the agreement, the Department may file
3 a complaint to revoke, suspend, or otherwise discipline the
4 license of the individual. The Secretary may order the license
5 suspended immediately, pending a hearing by the Department.
6 Fines shall not be assessed in disciplinary actions involving
7 physical or mental illness or impairment.

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

17 An individual licensed under this Code and affected under
18 this Section shall be afforded an opportunity to demonstrate
19 to the Department that he or she can resume practice in
20 compliance with acceptable and prevailing standards under the
21 provisions of his or her license.

22 (Source: P.A. 99-876, eff. 1-1-17; 100-201, eff. 8-18-17;
23 100-872, eff. 8-14-18.)

24 (225 ILCS 41/15-80)

25 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 15-80. Statement of place of practice; ~~roster~~. Each
2 applicant for a funeral director and embalmer's license shall
3 with his or her application submit a statement of the place of
4 practice, ownership, names and license numbers of all funeral
5 directors and embalmers and funeral directors associated with
6 the applicant.

7 ~~The Department shall maintain a roster of names and~~
8 ~~addresses of all persons who hold valid licenses and all~~
9 ~~persons whose licenses have been suspended or revoked within~~
10 ~~the previous year. This roster shall be available upon request~~
11 ~~and payment of the required fee.~~

12 (Source: P.A. 97-1130, eff. 8-28-12.)

13 (225 ILCS 41/15-91)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 15-91. Denial of license. If the Department
16 determines that an application for licensure should be denied
17 pursuant to Section 15-75, then the applicant shall be sent a
18 notice of intent to deny license and the applicant shall be
19 given the opportunity to request, within 20 days of the
20 notice, a hearing on the denial. ~~If the applicant requests a~~
21 ~~hearing, then the Secretary shall schedule a hearing within 30~~
22 ~~days after the request for a hearing, unless otherwise agreed~~
23 ~~to by the parties.~~ The Secretary shall have the authority to
24 appoint an attorney duly licensed to practice law in the State
25 of Illinois to serve as the hearing officer. The hearing

1 officer shall have full authority to conduct the hearing. The
2 hearing shall be held at the time and place designated by the
3 Secretary. The Secretary shall have the authority to prescribe
4 rules for the administration of this Section.

5 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

6 (225 ILCS 41/10-22 rep.)

7 (225 ILCS 41/15-17 rep.)

8 (225 ILCS 41/15-100 rep.)

9 Section 15. The Funeral Directors and Embalmers Licensing
10 Code is amended by repealing Sections 10-22, 15-17, and
11 15-100.

12 Section 99. Effective date. This Section and Section 5
13 take effect upon becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 80/4.33
- 4 5 ILCS 80/4.38
- 5 225 ILCS 41/1-10
- 6 225 ILCS 41/1-15
- 7 225 ILCS 41/1-30
- 8 225 ILCS 41/5-7
- 9 225 ILCS 41/5-10
- 10 225 ILCS 41/5-15
- 11 225 ILCS 41/5-18
- 12 225 ILCS 41/5-20
- 13 225 ILCS 41/10-7
- 14 225 ILCS 41/10-20
- 15 225 ILCS 41/10-30
- 16 225 ILCS 41/10-43
- 17 225 ILCS 41/15-10
- 18 225 ILCS 41/15-15
- 19 225 ILCS 41/15-18
- 20 225 ILCS 41/15-20
- 21 225 ILCS 41/15-21
- 22 225 ILCS 41/15-22
- 23 225 ILCS 41/15-30
- 24 225 ILCS 41/15-40
- 25 225 ILCS 41/15-41

- 1 225 ILCS 41/15-65
- 2 225 ILCS 41/15-75
- 3 225 ILCS 41/15-80
- 4 225 ILCS 41/15-91
- 5 225 ILCS 41/10-22 rep.
- 6 225 ILCS 41/15-17 rep.
- 7 225 ILCS 41/15-100 rep.