



Rep. Deb Conroy

Filed: 2/25/2022

10200HB4769ham003

LRB102 23872 AMQ 37009 a

1 AMENDMENT TO HOUSE BILL 4769

2 AMENDMENT NO. _____. Amend House Bill 4769 by replacing
3 everything after the enacting clause with the following:

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

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

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

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

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

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

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

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

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

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

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

1 analysis" includes the empirical identification of functional
2 relations between behavior environmental factors, known as
3 functional assessment and analysis. Applied behavior analysis
4 interventions are based on scientific research and the direct
5 observation and measurement of behavior and environment.
6 Applied behavior analysis interventions utilize contextual
7 factors, motivating operations, antecedent stimuli, positive
8 reinforcement, and other procedures to help individuals
9 develop new behaviors, increase or decrease existing
10 behaviors, and elicit behaviors under specific environmental
11 conditions. The practice of applied behavior analysis excludes
12 the diagnosis of disorders, psychological testing,
13 psychotherapy, cognitive therapy, psychoanalysis, and
14 counseling.

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

17 Section 15. Address of record; email address of record.
18 All applicants and licensees shall:

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

23 (2) inform the Department of any change of address of
24 record or email address of record within 14 days after the
25 change, either through the Department's website or by

1 contacting the Department's licensure maintenance unit.

2 Section 20. License required; exemptions.

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

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

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

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

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

23 (2) An individual from implementing a behavior
24 analytic treatment plan under the extended authority,
25 direction, and supervision of a licensed behavior analyst

1 or licensed assistant behavior analyst.

2 (3) A clinical psychologist, social worker, or
3 psychiatric nurse, from performing or advertising
4 activities that are considered to be the practice of
5 applied behavior analysis under this Act if the activities
6 are consistent with the laws of this State, the
7 individual's training, and any code of ethics of the
8 individual's respective professions, so long as the
9 individual does not use the titles provided in subsection
10 (b).

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

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

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

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

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

26 (9) A qualified intellectual disabilities

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

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

13 (d) This Act does not apply to an individual who, on the
14 effective date of this Act, is engaging in the practice of
15 applied behavior analysis under the medical assistance program
16 under the Illinois Public Aid Code while that individual is
17 seeking the education, training, and experience necessary to
18 obtain a license under this Act.

19 Section 23. Applications for original license. An
20 application for original licenses shall be made to the
21 Department on forms or electronically as prescribed by the
22 Department and accompanied by the required fee, which shall
23 not be refundable. All applications shall contain information
24 which, in the judgment of the Department, will enable the
25 Department to pass on the qualifications of the applicant for

1 a license as a licensed behavior analyst or licensed assistant
2 behavior analyst.

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

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

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

22 Section 25. Qualifications for behavior analyst license.

23 (a) A person qualifies to be licensed as a behavior
24 analyst if that person:

25 (1) has applied in writing or electronically on forms

1 prescribed by the Department;

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

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

13 (4) has successfully completed at least 500 hours of
14 supervised professional experience subsequent to obtaining
15 the degree as established by rule. If no supervision by a
16 licensed behavior analyst is available, then supervised
17 professional experience may include supervision by other
18 appropriate disciplines as defined by rule. If no
19 supervised work experience was required for certification
20 as a behavior analyst at the time the applicant passed the
21 examination required in paragraph (5) prior to the
22 effective date of this Act, then the person does not need
23 to satisfy this requirement to be licensed in the State.
24 While completing supervised hours, any person who seeks to
25 become a licensed behavior analyst with the Department
26 shall be issued a temporary license as an associate

1 licensed behavior analyst by the Department if the person
2 meets the qualifications set forth in paragraphs (1), (2),
3 (3), (5), and (6) of subsection (a). The license as an
4 associate licensed behavior analyst shall not be valid for
5 more than 5 years;

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

8 (6) has paid the required fees.

9 (b) An applicant has 3 years after the date of application
10 to complete the application process. If the process has not
11 been completed in 3 years, the application shall be denied,
12 the fee shall be forfeited, and the applicant must reapply and
13 meet the requirements in effect at the time of reapplication.

14 Section 30. Qualifications for assistant behavior analyst
15 license.

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

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

20 (2) is of good moral character; in determining good
21 moral character, the Department may take into
22 consideration whether the applicant was engaged in conduct
23 or actions that would constitute grounds for discipline
24 under this Act;

25 (3) demonstrates to the satisfaction of the Department

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

5 (4) has met the supervised work experience required
6 for certification as an assistant behavior analyst in
7 effect at the time the applicant passed the examination
8 required in paragraph (5);

9 (5) has passed the examination for the practice of
10 behavior analysis as a licensed assistant behavior analyst
11 as authorized by the Department; and

12 (6) has paid the required fees.

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

18 (c) Each applicant for licensure as an assistant behavior
19 analyst shall have his or her fingerprints submitted to the
20 Illinois State Police in an electronic format that complies
21 with the form and manner for requesting and furnishing
22 criminal history record information as prescribed by the
23 Illinois State Police. These fingerprints shall be transmitted
24 through a live scan fingerprint vendor licensed by the
25 Department. These fingerprints shall be checked against the
26 Illinois State Police and Federal Bureau of Investigation

1 criminal history record databases now and hereafter filed,
2 including, but not limited to, civil, criminal, and latent
3 fingerprint databases. The Illinois State Police shall charge
4 a fee for conducting the criminal history records check, which
5 shall be deposited in the State Police Services Fund and shall
6 not exceed the actual cost of the records check. The Illinois
7 State Police shall furnish, pursuant to positive
8 identification, records of Illinois convictions as prescribed
9 under the Illinois Uniform Conviction Information Act and
10 shall forward the national criminal history record information
11 to the Department.

12 Section 35. Endorsement. The Department may issue a
13 license as a behavior analyst or assistant behavior analyst to
14 an applicant licensed under the laws of another jurisdiction
15 if the requirements for licensure in that jurisdiction are, on
16 the date of licensure, substantially equivalent to the
17 requirements of this Act or to any person who, at the time of
18 the applicant's licensure, possessed individual qualifications
19 that were substantially equivalent to the requirements then in
20 force in this State.

21 An applicant under this Section shall pay the required
22 fees. An individual applying for licensure as a licensed
23 behavior analyst or assistant behavior analyst who has been
24 licensed in another United States jurisdiction for 10
25 consecutive years without discipline is not required to submit

1 proof of completion of the education, professional experience,
2 and supervision required in Section 25 or 30.

3 An individual with 10 consecutive years of experience must
4 submit certified verification of licensure from the
5 jurisdiction in which the applicant practiced and must comply
6 with all other licensing requirements and pay all required
7 fees. If the accuracy of any submitted documentation or the
8 relevance or sufficiency of the coursework or experience is
9 questioned by the Department or the Board because of a lack of
10 information, discrepancies or conflicts in information given,
11 or a need for clarification, the applicant seeking licensure
12 may be required to provide additional information.

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

18 Section 40. Advisory Board of Behavior Analysts.

19 (a) The Secretary shall appoint an Advisory Board of
20 Behavior Analysts consisting of 5 persons who shall serve in
21 an advisory capacity to the Secretary. The Board shall consist
22 of the following 5 members appointed by the Secretary: one
23 licensed behavior analyst holding a doctoral degree, one
24 licensed assistant behavior analyst, 2 licensed behavior
25 analysts, and one public member not regulated under this Act

1 or a similar Act and who clearly represents consumer
2 interests. The Board shall serve in an advisory capacity.

3 (b) Members shall serve for a term of 4 years each, except
4 that any person chosen to fill a vacancy shall be appointed
5 only for the unexpired term of the Board member whom the person
6 shall succeed. Upon the expiration of this term of office, a
7 Board member shall continue to serve until a successor is
8 appointed and qualified. No member shall serve more than 2
9 consecutive 4-year terms.

10 (c) The membership of the Board should represent racial
11 and cultural diversity and reasonably reflect representation
12 from different geographic areas of the State.

13 (d) The Secretary may terminate the appointment of any
14 member for cause.

15 (e) The Secretary may consider the recommendation of the
16 Board on all matters and questions relating to this Act, such
17 as: (i) matters relating to continuing education, including
18 the number of hours necessary for license renewal, waivers for
19 those unable to meet such requirements, and acceptable course
20 content; and (ii) rules for the administration of this Act.

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

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

25 (h) A majority of the Board members currently appointed
26 shall constitute a quorum. A vacancy in the membership of the

1 Board shall not impair the right of a quorum to perform all of
2 the duties of the Board.

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

6 Section 45. Licenses; renewal; restoration; person in
7 military service; inactive status.

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

19 (b) Any person who has permitted a license to expire or who
20 has a license on inactive status may have it restored by
21 submitting an application to the Department and filing proof
22 of fitness, as defined by rule, to have the license restored,
23 including, if appropriate, evidence that is satisfactory to
24 the Department certifying the active practice of behavior
25 analysis in another jurisdiction and by paying the required

1 fee.

2 (c) If the person has not maintained an active practice in
3 another jurisdiction that is satisfactory to the Department,
4 the Department shall determine the person's fitness to resume
5 active status. The Department may also require the person to
6 complete a specific period of evaluated behavior analysis
7 experience and may require successful completion of an
8 examination.

9 (d) Notwithstanding any other provision of this Act, any
10 person whose license expired while on active duty with the
11 armed forces of the United States, while called into service
12 or training with the State Militia or in training or education
13 under the supervision of the United States government prior to
14 induction into the military service may have the person's
15 license restored without paying any renewal fees if, within 2
16 years after the honorable termination of that service,
17 training, or education, except under conditions other than
18 honorable, the Department is furnished with satisfactory
19 evidence that the person has been so engaged and that the
20 service, training, or education has been so terminated.

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

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

1 Section 50. Suspension of license for failure to pay
2 restitution. The Department, without further process or
3 hearing, shall suspend the license or other authorization to
4 practice of any person issued under this Act who has been
5 certified by court order as not having paid restitution to a
6 person under Section 8A-3.5 of the Illinois Public Aid Code or
7 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
8 the Criminal Code of 2012. A person whose license or other
9 authorization to practice is suspended under this Section is
10 prohibited from practicing until the restitution is made in
11 full.

12 Section 55. Grounds for disciplinary action.

13 (a) The Department may refuse to issue or renew a license,
14 or may suspend, revoke, place on probation, reprimand, or take
15 any other disciplinary or nondisciplinary action deemed
16 appropriate by the Department, including the imposition of
17 fines not to exceed \$10,000 for each violation, with regard to
18 any license issued under the provisions of this Act for any one
19 or a combination of the following grounds:

20 (1) material misstatements in furnishing information
21 to the Department or to any other State agency or in
22 furnishing information to any insurance company with
23 respect to a claim on behalf of a licensee or a patient;

24 (2) violations or negligent or intentional disregard

1 of this Act or its rules;

2 (3) conviction of or entry of a plea of guilty or nolo
3 contendere, finding of guilt, jury verdict, or entry of
4 judgment or sentencing, including, but not limited to,
5 convictions, preceding sentences of supervision,
6 conditional discharge, or first offender probation, under
7 the laws of any jurisdiction of the United States that is
8 (i) a felony or (ii) a misdemeanor, an essential element
9 of which is dishonesty, or that is directly related to the
10 practice of behavior analysis;

11 (4) fraud or misrepresentation in applying for or
12 procuring a license under this Act or in connection with
13 applying for renewal or restoration of a license under
14 this Act;

15 (5) professional incompetence;

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

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

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

21 (9) engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public as defined by the rules of the
24 Department or violating the rules of professional conduct
25 adopted by the Department;

26 (10) habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, of alcohol, or of
2 any other substances that results in the inability to
3 practice with reasonable judgment, skill, or safety;

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

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

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

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

2 (15) willfully making or filing false records or
3 reports relating to a licensee's practice, including, but
4 not limited to, false records filed with federal or State
5 agencies or departments;

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

9 (17) being named as a perpetrator in an indicated
10 report by the Department of Children and Family Services
11 under the Abused and Neglected Child Reporting Act, and
12 upon proof by clear and convincing evidence that the
13 licensee has caused a child to be an abused child or
14 neglected child as defined in the Abused and Neglected
15 Child Reporting Act;

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

21 (19) solicitation of professional services by using
22 false or misleading advertising;

23 (20) violation of the Health Care Worker Self-Referral
24 Act;

25 (21) willfully failing to report an instance of
26 suspected abuse, neglect, financial exploitation, or

1 self-neglect of an eligible adult as defined in and
2 required by the Adult Protective Services Act; or

3 (22) being named as an abuser in a verified report by
4 the Department on Aging under the Adult Protective
5 Services Act, and upon proof by clear and convincing
6 evidence that the licensee abused, neglected, or
7 financially exploited an eligible adult as defined in the
8 Adult Protective Services Act.

9 (b) The determination by a court that a licensee is
10 subject to involuntary admission or judicial admission as
11 provided in the Mental Health and Developmental Disabilities
12 Code shall result in an automatic suspension of the licensee's
13 license. The suspension shall end upon a finding by a court
14 that the licensee is no longer subject to involuntary
15 admission or judicial admission and issues an order so finding
16 and discharging the patient, and upon the recommendation of
17 the Board to the Secretary that the licensee be allowed to
18 resume professional practice.

19 (c) The Department shall refuse to issue or renew or may
20 suspend the license of a person who (i) fails to file a tax
21 return, pay the tax, penalty, or interest shown in a filed tax
22 return, or pay any final assessment of tax, penalty, or
23 interest, as required by any tax Act administered by the
24 Department of Revenue, until the requirements of the tax Act
25 are satisfied or (ii) has failed to pay any court-ordered
26 child support as determined by a court order or by referral

1 from the Department of Healthcare and Family Services.

2 (d) In enforcing this Section, the Department or Board,
3 upon a showing of a possible violation, may compel a person
4 licensed to practice under this Act, or who has applied for
5 licensure under this Act, to submit to a mental or physical
6 examination, or both, which may include a substance abuse or
7 sexual offender evaluation, as required by and at the expense
8 of the Department.

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

1 testing.

2 (2) The Board or the Department may order the
3 examining physician or any member of the multidisciplinary
4 team to present testimony concerning this mental or
5 physical examination of the licensee or applicant. No
6 information, report, record, or other documents in any way
7 related to the examination shall be excluded by reason of
8 any common law or statutory privilege relating to
9 communications between the licensee or applicant and the
10 examining physician or any member of the multidisciplinary
11 team. No authorization is necessary from the licensee or
12 applicant ordered to undergo an examination for the
13 examining physician or any member of the multidisciplinary
14 team to provide information, reports, records, or other
15 documents or to provide any testimony regarding the
16 examination and evaluation.

17 (3) The person to be examined may have, at the
18 person's own expense, another physician of the person's
19 choice present during all aspects of the examination.
20 However, that physician shall be present only to observe
21 and may not interfere in any way with the examination.

22 (4) The failure of any person to submit to a mental or
23 physical examination without reasonable cause, when
24 ordered, shall result in an automatic suspension of the
25 person's license until the person submits to the
26 examination.

1 (e) If the Department or Board finds a person unable to
2 practice because of the reasons set forth in this Section, the
3 Department or Board may require that person to submit to care,
4 counseling, or treatment by physicians approved or designated
5 by the Department or Board, as a condition, term, or
6 restriction for continued, reinstated, or renewed licensure to
7 practice; or, in lieu of care, counseling, or treatment, the
8 Department may file, or the Board may recommend to the
9 Department to file, a complaint to immediately suspend,
10 revoke, or otherwise discipline the license of the person. Any
11 person whose license was granted, continued, reinstated,
12 renewed, disciplined, or supervised subject to the terms,
13 conditions, or restrictions, and who fails to comply with the
14 terms, conditions, or restrictions, shall be referred to the
15 Secretary for a determination as to whether the person shall
16 have the person's license suspended immediately, pending a
17 hearing by the Department.

18 (f) All fines imposed shall be paid within 60 days after
19 the effective date of the order imposing the fine or in
20 accordance with the terms set forth in the order imposing the
21 fine.

22 If the Secretary immediately suspends a person's license
23 under this Section, a hearing on that person's license must be
24 convened by the Department within 30 days after the suspension
25 and completed without appreciable delay. The Department and
26 Board shall have the authority to review the subject person's

1 record of treatment and counseling regarding the impairment,
2 to the extent permitted by applicable federal statutes and
3 regulations safeguarding the confidentiality of medical
4 records.

5 A person licensed under this Act and affected under this
6 Section shall be afforded an opportunity to demonstrate to the
7 Department or Board that the person can resume practice in
8 compliance with acceptable and prevailing standards under the
9 provisions of the person's license.

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

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

1 (a) Any person who practices, offers to practice, attempts
2 to practice, or holds oneself out to practice as a licensed
3 behavior analyst or licensed assistant behavior analyst
4 without being licensed or exempt under this Act shall, in
5 addition to any other penalty provided by law, pay a civil
6 penalty to the Department in an amount not to exceed \$10,000
7 for each offense, as determined by the Department. The civil
8 penalty shall be assessed by the Department after a hearing is
9 held in accordance with the provisions set forth in this Act
10 regarding the provision of a hearing for the discipline of a
11 licensee.

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

14 (c) The civil penalty shall be paid within 60 days after
15 the effective date of the order imposing the civil penalty.
16 The order shall constitute a final judgment and may be filed
17 and execution had thereon in the same manner as any judgment
18 from any court of record.

19 Section 70. Violations; injunction; cease and desist
20 order.

21 (a) If an individual violates a provision of this Act, the
22 Secretary may, in the name of the People of the State of
23 Illinois, through the Attorney General or the State's Attorney
24 of the county in which the violation is alleged to have
25 occurred, petition for an order enjoining the violation or for

1 an order enforcing compliance with this Act. Upon the filing
2 of a verified petition, the court with appropriate
3 jurisdiction may issue a temporary restraining order without
4 notice or bond, and may preliminarily and permanently enjoin
5 the violation. If it is established that the individual has
6 violated or is violating the injunction, the court may punish
7 the offender for contempt of court. Proceedings under this
8 Section are in addition to all other remedies and penalties
9 provided by this Act.

10 (b) If an individual holds oneself out as being a licensed
11 behavior analyst or a licensed assistant behavior analyst
12 under this Act and is not licensed to do so, then any licensed
13 behavior analyst, licensed assistant behavior analyst,
14 interested party, or any person injured thereby may petition
15 for relief as provided in subsection (a).

16 (c) Whenever, in the opinion of the Department, an
17 individual violates a provision of this Act, the Department
18 may issue a rule to show cause why an order to cease and desist
19 should not be entered against that person. The rule shall
20 clearly set forth the grounds relied upon by the Department
21 and shall allow at least 7 days from the date of the rule to
22 file an answer satisfactory to the Department. Failure to
23 answer to the satisfaction of the Department shall cause an
24 order to cease and desist to be issued.

25 Section 75. Powers and duties of the Department.

1 (a) The Department shall exercise the powers and duties
2 prescribed by the Civil Administrative Code of Illinois for
3 the administration of licensure Acts and shall exercise other
4 powers and duties necessary for effectuating the purposes of
5 this Act.

6 (b) The Department shall adopt rules to administer and
7 enforce this Act, including, but not limited to, fees for
8 original licensure and renewal and restoration of licenses,
9 and may prescribe forms to be issued to implement this Act. At
10 a minimum, the rules adopted by the Department shall include
11 standards and criteria for licensure and for professional
12 conduct and discipline. The Department may consult with the
13 Board in adopting rules. The Department may at any time seek
14 the advice and expert knowledge of the Board on any matter
15 relating to the administration of this Act.

16 (c) Subject to the provisions of this Act, the Department
17 shall:

18 (1) Authorize examinations to ascertain the
19 qualifications and fitness of applicants for licensing as
20 licensed behavior analysts or licensed assistant behavior
21 analysts and pass upon the qualifications of applicants
22 for licensure by endorsement.

23 (2) Conduct hearings or proceedings to refuse to issue
24 or renew or to revoke licenses or suspend, place on
25 probation, censure, or reprimand or take any other
26 disciplinary or nondisciplinary action with regard to a

1 person licensed under this Act.

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

4 (d) All information collected by the Department in the
5 course of an examination or investigation of a licensee or
6 applicant, including, but not limited to, any complaint
7 against a licensee filed with the Department and information
8 collected to investigate any complaint, shall be maintained
9 for the confidential use of the Department and shall not be
10 disclosed. The Department may not disclose the information to
11 anyone other than law enforcement officials, other regulatory
12 agencies that have an appropriate regulatory interest as
13 determined by the Secretary, or to a party presenting a lawful
14 subpoena to the Department. Information and documents
15 disclosed to a federal, State, county, or local law
16 enforcement agency shall not be disclosed by the agency for
17 any purpose to any other agency or person. A formal complaint
18 filed against a licensee by the Department or any order issued
19 by the Department against a licensee or applicant shall be a
20 public record, except as otherwise prohibited by law.

21 Section 80. Investigations; notice; hearing.

22 (a) The Department may investigate the actions of any
23 applicant or of any person holding or claiming to hold a
24 license under this Act.

25 (b) The Department shall, before disciplining an applicant

1 or licensee, at least 30 days prior to the date set for the
2 hearing: (i) notify, in writing, the applicant or licensee of
3 the charges made and the time and place for the hearing on the
4 charges; (ii) direct the applicant or licensee to file a
5 written answer to the charges under oath within 20 days after
6 the service of the notice; and (iii) inform the applicant or
7 licensee that failure to file an answer will result in a
8 default being entered against the applicant or licensee.

9 (c) Written or electronic notice, and any notice in the
10 subsequent proceeding, may be served by personal delivery, by
11 email, or by mail to the applicant or licensee at the
12 applicant's or licensee's address of record or email address
13 of record.

14 (d) At the time and place fixed in the notice, the Board or
15 hearing officer appointed by the Secretary shall proceed to
16 hear the charges and the parties or the parties' counsel shall
17 be accorded ample opportunity to present any statements,
18 testimony, evidence and argument as may be pertinent to the
19 charges or to the parties' defense. The Board or hearing
20 officer may continue the hearing from time to time.

21 (e) If the person, after receiving the notice, fails to
22 file an answer, the person's license may, in the discretion of
23 the Secretary, having first received the recommendation of the
24 Board, be suspended, revoked, or placed on probationary
25 status, or be subject to whatever disciplinary action the
26 Secretary considers proper, including limiting the scope,

1 nature, or extent of the person's practice or the imposition
2 of a fine, without hearing, if the act or acts charged
3 constitute sufficient grounds for that action under this Act.

4 (f) Notwithstanding any other provision of this Act, the
5 Secretary has the authority to appoint any attorney duly
6 licensed to practice law in the State to serve as the hearing
7 officer in any action for refusal to issue or renew a license
8 or to discipline a licensee. The hearing officer shall have
9 full authority to conduct the hearing. The hearing officer
10 shall report the hearing officer's findings of fact,
11 conclusions of law, and recommendations to the Board and to
12 the Secretary.

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

18 The Secretary, the designated hearing officer, and every
19 member of the Board shall have power to administer oaths to
20 witnesses at any hearing which the Department is authorized to
21 conduct, and any other oaths authorized in any Act
22 administered by the Department.

23 Section 90. Compelling testimony. Any court, upon
24 application of the Department, designated hearing officer, or

1 the applicant or licensee against whom proceedings under
2 Section 55 are pending, may enter an order requiring the
3 attendance of witnesses and the witnesses' testimony, and the
4 production of documents, papers, files, books and records in
5 connection with any hearing or investigation. The court may
6 compel obedience to its order by proceedings for contempt.

7 Section 95. Record of proceedings; transcript.

8 (a) The Department, at its expense, shall preserve a
9 record of all proceedings at any formal hearing of any case.
10 The notice of hearing, complaint and all other documents in
11 the nature of pleadings and written motions filed in the
12 proceedings, the transcript of testimony, the report of the
13 Board, and the orders of the Department shall be the record of
14 the proceedings. The Department shall furnish a copy of the
15 record to any person upon payment of the fee required under
16 Section 2105-115 of the Department of Professional Regulation
17 Law of the Civil Administrative Code of Illinois.

18 (b) The Board or the hearing officer appointed by the
19 Secretary shall hear evidence in support of the formal charges
20 and evidence produced by the licensee. At the conclusion of
21 the hearing, the Board shall present to the Secretary a
22 written report of its findings of fact, conclusions of law,
23 and recommendations.

24 Section 100. Findings and recommendations. At the

1 conclusion of the hearing the Board shall present to the
2 Secretary a written report of its findings of fact,
3 conclusions of law, and recommendations. The report shall
4 contain a finding as to whether the licensee violated this Act
5 or failed to comply with the conditions required in this Act.
6 The Board shall specify the nature of the violation or failure
7 to comply, and shall make its recommendations to the
8 Secretary.

9 The report of findings of fact, conclusions of law, and
10 recommendations of the Board shall be the basis for the
11 Department's order or refusal or for the granting of the
12 license.

13 Section 105. Motion for rehearing. At the conclusion of
14 the hearing, a copy of the Board or hearing officer's report
15 shall be served to the applicant or licensee by the
16 Department, either personally or as provided in this Act for
17 the service of a notice of hearing. Within 20 calendar days
18 after service, the applicant or licensee may present to the
19 Department a motion in writing for a rehearing, which shall
20 specify the particular grounds for rehearing. The Department
21 may respond to the motion for rehearing within 20 calendar
22 days after its service on the Department. If no motion for
23 rehearing is filed, then after the expiration of the time
24 specified for filing the motion, or upon denial of a motion for
25 rehearing, the Secretary may enter an order in accordance with

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

7 Section 110. Restoration. At any time after the successful
8 completion of a term of probation, suspension, or revocation
9 of any license, the Department may restore the license to the
10 licensee upon the written recommendation of the Board unless
11 after an investigation and hearing the Board or Department
12 determines that restoration is not in the public interest.
13 Where circumstances of suspension or revocation so indicate,
14 the Department may require an examination of the licensee
15 prior to restoring the licensee's license. No person whose
16 license has been revoked as authorized in this Act may apply
17 for restoration of that license until the time provided for in
18 the Civil Administrative Code of Illinois.

19 Section 115. Surrender of license. Upon the revocation or
20 suspension of any license, the licensee shall immediately
21 surrender the licensee's license to the Department. If the
22 licensee fails to do so, the Department shall have the right to
23 seize the license.

1 Section 120. Summary suspension of a license. The
2 Secretary may summarily suspend the license of a licensed
3 behavior analyst or assistant behavior analyst without a
4 hearing simultaneously with the institution of proceedings for
5 a hearing provided for in this Act if the Secretary finds that
6 evidence in the Secretary's possession indicates that a
7 licensee's continuation in practice would constitute an
8 imminent danger to the public. If the Secretary summarily
9 suspends the license without a hearing, a hearing by the Board
10 or Department shall be held within 30 calendar days after the
11 suspension has occurred.

12 Section 125. Administrative review.

13 (a) All final administrative decisions of the Department
14 hereunder shall be subject to judicial review pursuant to the
15 provisions of the Administrative Review Law, and all
16 amendments and modifications thereof, and the rules adopted
17 pursuant thereto. "Administrative decision" has the same
18 meaning as in Section 3-101 of the Code of Civil Procedure.

19 (b) Proceedings for judicial review shall be commenced in
20 the circuit court of the county in which the party applying for
21 review resides, but if the party is not a resident of the
22 State, the venue shall be in Sangamon County.

23 Section 130. Certification of record. The Department shall
24 not be required to certify any record to the court, file any

1 answer in court, or otherwise appear in any judicial review
2 proceedings, unless and until the Department has received from
3 the plaintiff payment of the costs of furnishing and
4 certifying the record, which costs shall be determined by the
5 Department. The failure on the part of the plaintiff to file a
6 receipt in court shall be grounds for dismissal of the action.

7 Section 135. Fees. The Department shall provide by rule
8 for a schedule of fees for the administration and enforcement
9 of this Act, including, but not limited to, original
10 licensure, registration, renewal, and restoration. The fees
11 shall be nonrefundable.

12 All fees, fines, and penalties collected under this Act
13 shall be deposited into the General Professions Dedicated Fund
14 and shall be appropriated to the Department for the ordinary
15 and contingent expenses of the Department in the
16 administration of this Act.

17 Section 900. The Regulatory Sunset Act is amended by
18 adding Section 4.41 as follows:

19 (5 ILCS 80/4.41 new)

20 Sec. 4.41. Act repealed on January 1, 2032. The following
21 Act is repealed on January 1, 2032:

22 The Behavior Analyst Licensing Act.

1 Section 903. The Illinois Public Aid Code is amended by
2 changing Section 5-30.11 as follows:

3 (305 ILCS 5/5-30.11)

4 Sec. 5-30.11. Treatment of autism spectrum disorder.
5 Treatment of autism spectrum disorder through applied behavior
6 analysis shall be covered under the medical assistance program
7 under this Article for children with a diagnosis of autism
8 spectrum disorder when ordered by: (1) a physician licensed to
9 practice medicine in all its branches and rendered by a
10 licensed or certified health care professional with expertise
11 in applied behavior analysis; or (2) a behavior analyst
12 licensed by the Department of Financial and Professional
13 Regulation to practice applied behavior analysis in this
14 State. Such coverage may be limited to age ranges based on
15 evidence-based best practices. Appropriate State plan
16 amendments as well as rules regarding provision of services
17 and providers will be submitted by September 1, 2019.

18 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

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

21 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

1 (a) "Abandonment" means the desertion or willful forsaking
2 of an eligible adult by an individual responsible for the care
3 and custody of that eligible adult under circumstances in
4 which a reasonable person would continue to provide care and
5 custody. Nothing in this Act shall be construed to mean that an
6 eligible adult is a victim of abandonment because of health
7 care services provided or not provided by licensed health care
8 professionals.

9 (a-1) "Abuse" means causing any physical, mental or sexual
10 injury to an eligible adult, including exploitation of such
11 adult's financial resources, and abandonment.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse, abandonment, neglect, or
14 self-neglect for the sole reason that he or she is being
15 furnished with or relies upon treatment by spiritual means
16 through prayer alone, in accordance with the tenets and
17 practices of a recognized church or religious denomination.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse because of health care
20 services provided or not provided by licensed health care
21 professionals.

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

24 (a-6) "Adult with disabilities" means a person aged 18
25 through 59 who resides in a domestic living situation and
26 whose disability as defined in subsection (c-5) impairs his or

1 her ability to seek or obtain protection from abuse,
2 abandonment, neglect, or exploitation.

3 (a-7) "Caregiver" means a person who either as a result of
4 a family relationship, voluntarily, or in exchange for
5 compensation has assumed responsibility for all or a portion
6 of the care of an eligible adult who needs assistance with
7 activities of daily living or instrumental activities of daily
8 living.

9 (b) "Department" means the Department on Aging of the
10 State of Illinois.

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

12 (c-5) "Disability" means a physical or mental disability,
13 including, but not limited to, a developmental disability, an
14 intellectual disability, a mental illness as defined under the
15 Mental Health and Developmental Disabilities Code, or dementia
16 as defined under the Alzheimer's Disease Assistance Act.

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

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

23 (1.5) A facility licensed under the ID/DD Community
24 Care Act;

25 (1.6) A facility licensed under the MC/DD Act;

26 (1.7) A facility licensed under the Specialized Mental

1 Health Rehabilitation Act of 2013;

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

4 (3) A home, institution, or other place operated by
5 the federal government or agency thereof or by the State
6 of Illinois;

7 (4) A hospital, sanitarium, or other institution, the
8 principal activity or business of which is the diagnosis,
9 care, and treatment of human illness through the
10 maintenance and operation of organized facilities
11 therefor, which is required to be licensed under the
12 Hospital Licensing Act;

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

15 (6) (Blank);

16 (7) A "community-integrated living arrangement" as
17 defined in the Community-Integrated Living Arrangements
18 Licensure and Certification Act or a "community
19 residential alternative" as licensed under that Act;

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

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

25 (e) "Eligible adult" means either an adult with
26 disabilities aged 18 through 59 or a person aged 60 or older

1 who resides in a domestic living situation and is, or is
2 alleged to be, abused, abandoned, neglected, or financially
3 exploited by another individual or who neglects himself or
4 herself. "Eligible adult" also includes an adult who resides
5 in any of the facilities that are excluded from the definition
6 of "domestic living situation" under paragraphs (1) through
7 (9) of subsection (d), if either: (i) the alleged abuse,
8 abandonment, or neglect occurs outside of the facility and not
9 under facility supervision and the alleged abuser is a family
10 member, caregiver, or another person who has a continuing
11 relationship with the adult; or (ii) the alleged financial
12 exploitation is perpetrated by a family member, caregiver, or
13 another person who has a continuing relationship with the
14 adult, but who is not an employee of the facility where the
15 adult resides.

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

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

25 (f-5) "Mandated reporter" means any of the following
26 persons while engaged in carrying out their professional

1 duties:

2 (1) a professional or professional's delegate while
3 engaged in: (i) social services, (ii) law enforcement,
4 (iii) education, (iv) the care of an eligible adult or
5 eligible adults, or (v) any of the occupations required to
6 be licensed under the Behavior Analyst Licensing Act, the
7 Clinical Psychologist Licensing Act, the Clinical Social
8 Work and Social Work Practice Act, the Illinois Dental
9 Practice Act, the Dietitian Nutritionist Practice Act, the
10 Marriage and Family Therapy Licensing Act, the Medical
11 Practice Act of 1987, the Naprapathic Practice Act, the
12 Nurse Practice Act, the Nursing Home Administrators
13 Licensing and Disciplinary Act, the Illinois Occupational
14 Therapy Practice Act, the Illinois Optometric Practice Act
15 of 1987, the Pharmacy Practice Act, the Illinois Physical
16 Therapy Act, the Physician Assistant Practice Act of 1987,
17 the Podiatric Medical Practice Act of 1987, the
18 Respiratory Care Practice Act, the Professional Counselor
19 and Clinical Professional Counselor Licensing and Practice
20 Act, the Illinois Speech-Language Pathology and Audiology
21 Practice Act, the Veterinary Medicine and Surgery Practice
22 Act of 2004, and the Illinois Public Accounting Act;

23 (1.5) an employee of an entity providing developmental
24 disabilities services or service coordination funded by
25 the Department of Human Services;

26 (2) an employee of a vocational rehabilitation

1 facility prescribed or supervised by the Department of
2 Human Services;

3 (3) an administrator, employee, or person providing
4 services in or through an unlicensed community based
5 facility;

6 (4) any religious practitioner who provides treatment
7 by prayer or spiritual means alone in accordance with the
8 tenets and practices of a recognized church or religious
9 denomination, except as to information received in any
10 confession or sacred communication enjoined by the
11 discipline of the religious denomination to be held
12 confidential;

13 (5) field personnel of the Department of Healthcare
14 and Family Services, Department of Public Health, and
15 Department of Human Services, and any county or municipal
16 health department;

17 (6) personnel of the Department of Human Services, the
18 Guardianship and Advocacy Commission, the State Fire
19 Marshal, local fire departments, the Department on Aging
20 and its subsidiary Area Agencies on Aging and provider
21 agencies, and the Office of State Long Term Care
22 Ombudsman;

23 (7) any employee of the State of Illinois not
24 otherwise specified herein who is involved in providing
25 services to eligible adults, including professionals
26 providing medical or rehabilitation services and all other

1 persons having direct contact with eligible adults;

2 (8) a person who performs the duties of a coroner or
3 medical examiner; or

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

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

15 (h) "Provider agency" means any public or nonprofit agency
16 in a planning and service area that is selected by the
17 Department or appointed by the regional administrative agency
18 with prior approval by the Department on Aging to receive and
19 assess reports of alleged or suspected abuse, abandonment,
20 neglect, or financial exploitation. A provider agency is also
21 referenced as a "designated agency" in this Act.

22 (i) "Regional administrative agency" means any public or
23 nonprofit agency in a planning and service area that provides
24 regional oversight and performs functions as set forth in
25 subsection (b) of Section 3 of this Act. The Department shall
26 designate an Area Agency on Aging as the regional

1 administrative agency or, in the event the Area Agency on
2 Aging in that planning and service area is deemed by the
3 Department to be unwilling or unable to provide those
4 functions, the Department may serve as the regional
5 administrative agency or designate another qualified entity to
6 serve as the regional administrative agency; any such
7 designation shall be subject to terms set forth by the
8 Department.

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

22 (j) "Substantiated case" means a reported case of alleged
23 or suspected abuse, abandonment, neglect, financial
24 exploitation, or self-neglect in which a provider agency,
25 after assessment, determines that there is reason to believe
26 abuse, abandonment, neglect, or financial exploitation has

1 occurred.

2 (k) "Verified" means a determination that there is "clear
3 and convincing evidence" that the specific injury or harm
4 alleged was the result of abuse, abandonment, neglect, or
5 financial exploitation.

6 (Source: P.A. 102-244, eff. 1-1-22.)

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

9 (325 ILCS 5/4)

10 Sec. 4. Persons required to report; privileged
11 communications; transmitting false report.

12 (a) The following persons are required to immediately
13 report to the Department when they have reasonable cause to
14 believe that a child known to them in their professional or
15 official capacities may be an abused child or a neglected
16 child:

17 (1) Medical personnel, including any: physician
18 licensed to practice medicine in any of its branches
19 (medical doctor or doctor of osteopathy); resident;
20 intern; medical administrator or personnel engaged in the
21 examination, care, and treatment of persons; psychiatrist;
22 surgeon; dentist; dental hygienist; chiropractic
23 physician; podiatric physician; physician assistant;
24 emergency medical technician; acupuncturist; registered

1 nurse; licensed practical nurse; advanced practice
2 registered nurse; genetic counselor; respiratory care
3 practitioner; home health aide; or certified nursing
4 assistant.

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

19 (3) Crisis intervention personnel, including any:
20 crisis line or hotline personnel; or domestic violence
21 program personnel.

22 (4) Education personnel, including any: school
23 personnel (including administrators and certified and
24 non-certified school employees); personnel of institutions
25 of higher education; educational advocate assigned to a
26 child in accordance with the School Code; member of a

1 school board or the Chicago Board of Education or the
2 governing body of a private school (but only to the extent
3 required under subsection (d)); or truant officer.

4 (5) Recreation or athletic program or facility
5 personnel.

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

11 (7) Law enforcement personnel, including any: law
12 enforcement officer; field personnel of the Department of
13 Juvenile Justice; field personnel of the Department of
14 Corrections; probation officer; or animal control officer
15 or field investigator of the Department of Agriculture's
16 Bureau of Animal Health and Welfare.

17 (8) Any funeral home director; funeral home director
18 and embalmer; funeral home employee; coroner; or medical
19 examiner.

20 (9) Any member of the clergy.

21 (10) Any physician, physician assistant, registered
22 nurse, licensed practical nurse, medical technician,
23 certified nursing assistant, licensed social worker,
24 licensed clinical social worker, or licensed professional
25 counselor of any office, clinic, licensed behavior
26 analyst, licensed assistant behavior analyst, or any other

1 physical location that provides abortions, abortion
2 referrals, or contraceptives.

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

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

19 (A) the mandated reporter comes into contact with the
20 child in the course of the reporter's employment or
21 practice of a profession, or through a regularly scheduled
22 program, activity, or service;

23 (B) the mandated reporter is affiliated with an
24 agency, institution, organization, school, school
25 district, regularly established church or religious
26 organization, or other entity that is directly responsible

1 for the care, supervision, guidance, or training of the
2 child; or

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

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

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

26 Notwithstanding any other provision of this Act, if an

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

1 district to which the employee applies, shall notify that
2 requesting school district that the employee is or was the
3 subject of such a report.

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

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

24 (g) The privileged quality of communication between any
25 professional person required to report and his patient or
26 client shall not apply to situations involving abused or

1 neglected children and shall not constitute grounds for
2 failure to report as required by this Act or constitute
3 grounds for failure to share information or documents with the
4 Department during the course of a child abuse or neglect
5 investigation. If requested by the professional, the
6 Department shall confirm in writing that the information or
7 documents disclosed by the professional were gathered in the
8 course of a child abuse or neglect investigation.

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

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

17 (h) Any office, clinic, or any other physical location
18 that provides abortions, abortion referrals, or contraceptives
19 shall provide to all office personnel copies of written
20 information and training materials about abuse and neglect and
21 the requirements of this Act that are provided to employees of
22 the office, clinic, or physical location who are required to
23 make reports to the Department under this Act, and instruct
24 such office personnel to bring to the attention of an employee
25 of the office, clinic, or physical location who is required to
26 make reports to the Department under this Act any reasonable

1 suspicion that a child known to him or her in his or her
2 professional or official capacity may be an abused child or a
3 neglected child.

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

16 (j) Persons required to report child abuse or child
17 neglect as provided under this Section must complete an
18 initial mandated reporter training, including a section on
19 implicit bias, within 3 months of their date of engagement in a
20 professional or official capacity as a mandated reporter, or
21 within the time frame of any other applicable State law that
22 governs training requirements for a specific profession, and
23 at least every 3 years thereafter. The initial requirement
24 only applies to the first time they engage in their
25 professional or official capacity. In lieu of training every 3
26 years, medical personnel, as listed in paragraph (1) of

1 subsection (a), must meet the requirements described in
2 subsection (k).

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

14 The implicit bias section shall be in-person or web-based,
15 and shall include, at a minimum, information on the following
16 topics: (i) implicit bias and (ii) racial and ethnic
17 sensitivity. As used in this subsection, "implicit bias" means
18 the attitudes or internalized stereotypes that affect people's
19 perceptions, actions, and decisions in an unconscious manner
20 and that exist and often contribute to unequal treatment of
21 people based on race, ethnicity, gender identity, sexual
22 orientation, age, disability, and other characteristics. The
23 implicit bias section shall provide tools to adjust automatic
24 patterns of thinking and ultimately eliminate discriminatory
25 behaviors. During these trainings mandated reporters shall
26 complete the following: (1) a pretest to assess baseline

1 implicit bias levels; (2) an implicit bias training task; and
2 (3) a posttest to reevaluate bias levels after training. The
3 implicit bias curriculum for mandated reporters shall be
4 developed within one year after the effective date of this
5 amendatory Act of the 102nd General Assembly and shall be
6 created in consultation with organizations demonstrating
7 expertise and or experience in the areas of implicit bias,
8 youth and adolescent developmental issues, prevention of child
9 abuse, exploitation, and neglect, culturally diverse family
10 systems, and the child welfare system.

11 The mandated reporter training, including a section on
12 implicit bias, shall be provided through the Department,
13 through an entity authorized to provide continuing education
14 for professionals licensed through the Department of Financial
15 and Professional Regulation, the State Board of Education, the
16 Illinois Law Enforcement Training Standards Board, or the
17 Department of State Police, or through an organization
18 approved by the Department to provide mandated reporter
19 training, including a section on implicit bias. The Department
20 must make available a free web-based training for reporters.

21 Each mandated reporter shall report to his or her employer
22 and, when applicable, to his or her licensing or certification
23 board that he or she received the mandated reporter training.
24 The mandated reporter shall maintain records of completion.

25 Beginning January 1, 2021, if a mandated reporter receives
26 licensure from the Department of Financial and Professional

1 Regulation or the State Board of Education, and his or her
2 profession has continuing education requirements, the training
3 mandated under this Section shall count toward meeting the
4 licensee's required continuing education hours.

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

16 (2) In lieu of repeated training, medical personnel, as
17 listed in paragraph (1) of subsection (a), who do not work with
18 children in their professional or official capacity, may
19 instead attest each time at licensure renewal on their renewal
20 form that they understand they are a mandated reporter of
21 child abuse and neglect, that they are aware of the process for
22 making a report, that they know how to respond to a child in a
23 trauma-informed manner, and that they are aware of the role of
24 child protective services and the role of a reporter after a
25 call has been made. Nothing in this paragraph precludes
26 medical personnel from completing mandated reporter training

1 and receiving continuing education credits for that training.

2 (l) The Department shall provide copies of this Act, upon
3 request, to all employers employing persons who shall be
4 required under the provisions of this Section to report under
5 this Act.

6 (m) Any person who knowingly transmits a false report to
7 the Department commits the offense of disorderly conduct under
8 subsection (a)(7) of Section 26-1 of the Criminal Code of
9 2012. A violation of this provision is a Class 4 felony.

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

24 (n) A child whose parent, guardian or custodian in good
25 faith selects and depends upon spiritual means through prayer
26 alone for the treatment or cure of disease or remedial care may

1 be considered neglected or abused, but not for the sole reason
2 that his parent, guardian or custodian accepts and practices
3 such beliefs.

4 (o) A child shall not be considered neglected or abused
5 solely because the child is not attending school in accordance
6 with the requirements of Article 26 of the School Code, as
7 amended.

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

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

19 (r) For purposes of this Section "child abuse or neglect"
20 includes abuse or neglect of an adult resident as defined in
21 this Act.

22 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22.)

23 Section 999. Effective date. This Act takes effect upon
24 becoming law."