



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5256

Introduced 1/31/2022, by Rep. Tim Ozinga

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-207

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that records of disciplinary action by the Department of Financial and Professional Regulation may be considered expunged for reporting purposes if an application is submitted more than one year after an initial disciplinary offense occurred, 3 years after any subsequent the disciplinary offense or offenses occurred, or after restoration of the license, whichever is later (rather than 3 years after the disciplinary offense or offenses occurred, or after restoration of the license, whichever is later).

LRB102 22227 SPS 31357 b

1 AN ACT concerning State government.

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

4 Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-207 as follows:

7 (20 ILCS 2105/2105-207)

8 Sec. 2105-207. Records of Department actions.

9 (a) Any licensee subject to a licensing Act administered
10 by the Division of Professional Regulation and who has been
11 subject to disciplinary action by the Department may file an
12 application with the Department on forms provided by the
13 Department, along with the required fee of \$175, to have the
14 records classified as confidential, not for public release,
15 and considered expunged for reporting purposes if:

16 (1) the application is submitted more than one year
17 after an initial disciplinary offense occurred, 3 years
18 after any subsequent ~~the~~ disciplinary offense or offenses
19 occurred, or after restoration of the license, whichever
20 is later;

21 (2) the licensee has had no incidents of discipline
22 under the licensing Act since the disciplinary offense or
23 offenses identified in the application occurred;

1 (3) the Department has no pending investigations
2 against the licensee; and

3 (4) the licensee is not currently in a disciplinary
4 status.

5 (b) An application to make disciplinary records
6 confidential shall only be considered by the Department for an
7 offense or action relating to:

8 (1) failure to pay taxes;

9 (2) continuing education;

10 (3) failure to renew a license on time;

11 (4) failure to obtain or renew a certificate of
12 registration or ancillary license;

13 (5) advertising;

14 (5.1) discipline based on criminal charges or
15 convictions:

16 (A) that did not arise from the licensed activity
17 and was unrelated to the licensed activity; or

18 (B) that were dismissed or for which records have
19 been sealed or expunged;

20 (5.2) past probationary status of a license issued to
21 new applicants on the sole or partial basis of prior
22 convictions; or

23 (6) any grounds for discipline removed from the
24 licensing Act.

25 (c) An application shall be submitted to and considered by
26 the Director of the Division of Professional Regulation upon

1 submission of an application and the required non-refundable
2 fee. The Department may establish additional requirements by
3 rule. The Department is not required to report the removal of
4 any disciplinary record to any national database. Nothing in
5 this Section shall prohibit the Department from using a
6 previous discipline for any regulatory purpose or from
7 releasing records of a previous discipline upon request from
8 law enforcement, or other governmental body as permitted by
9 law. Classification of records as confidential shall result in
10 removal of records of discipline from records kept pursuant to
11 Sections 2105-200 and 2105-205 of this Act.

12 (d) Any applicant for licensure or a licensee whose
13 petition for review is granted by the Department pursuant to
14 subsection (a-1) of Section 2105-165 of this Law may file an
15 application with the Department on forms provided by the
16 Department to have records relating to his or her permanent
17 denial or permanent revocation classified as confidential and
18 not for public release and considered expunged for reporting
19 purposes in the same manner and under the same terms as is
20 provided in this Section for the offenses listed in subsection
21 (b) of this Section, except that the requirements of a 7-year
22 waiting period and the \$200 application fee do not apply.

23 (Source: P.A. 100-262, eff. 8-22-17; 100-286, eff. 1-1-18;
24 100-863, eff. 8-14-18; 100-872, eff. 8-14-18.)