

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 Acts repealed on January 1, 2023.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8 Acts are repealed on January 1, 2023: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 Acts repealed on January 1, 2028.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22 Acts are repealed on January 1, 2028: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 Home Medical Equipment and Services Provider License  
4 Act.

5 The Illinois Petroleum Education and Marketing Act.

6 The Illinois Speech-Language Pathology and Audiology  
7 Practice Act.

8 The Interpreter for the Deaf Licensure Act of 2007.

9 The Nurse Practice Act.

10 The Nursing Home Administrators Licensing and Disciplinary  
11 Act.

12 The Physician Assistant Practice Act of 1987.

13 The Podiatric Medical Practice Act of 1987.

14 The Professional Counselor and Clinical Professional  
15 Counselor Licensing and Practice Act.

16 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;  
17 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.  
18 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;  
19 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

20 Section 10. The Professional Counselor and Clinical  
21 Professional Counselor Licensing and Practice Act is amended  
22 by changing Sections 10, 15, 18, 20, 25, 30, 45, 50, 80, 90,  
23 100, 110, 130, 155, and 165 and by adding Section 11 as  
24 follows:

1 (225 ILCS 107/10)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 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. It is the duty of the applicant or  
8 licensee to inform the Department of any change of address and  
9 those changes must be made either through the Department's  
10 website or by contacting the Department.

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

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

17 "Board" means the Professional Counselor Licensing and  
18 Disciplinary Board as appointed by the Secretary.

19 "Person" means an individual, association, partnership, or  
20 corporation.

21 "Professional counseling" means the provision of services  
22 to individuals, couples, groups, families, and organizations  
23 in any one or more of the fields of professional counseling.

24 "Professional counseling" includes the therapeutic process of:  
25 (i) conducting assessments and diagnosing for the purpose of  
26 establishing treatment goals and objectives and (ii) planning,

1 implementing, and evaluating treatment plans using treatment  
2 interventions to facilitate human development and to identify  
3 and remediate mental, emotional, or behavioral disorders and  
4 associated distresses that interfere with mental health.

5 Professional counseling may also include clinical  
6 professional counseling as long as it is not conducted in  
7 independent private practice as defined in this Act.

8 "Clinical professional counseling" means the provision of  
9 professional counseling and mental health services, which  
10 includes, but is not limited to, the application of clinical  
11 counseling theory and techniques to prevent and alleviate  
12 mental and emotional disorders and psychopathology and to  
13 promote optimal mental health, rehabilitation, treatment,  
14 testing, assessment, and evaluation. "Clinical professional  
15 counseling" may include the practice of professional  
16 counseling as defined in this Act. It also includes clinical  
17 counseling and psychotherapy in a professional relationship to  
18 assist individuals, couples, families, groups, and  
19 organizations to alleviate emotional disorders, to understand  
20 conscious and unconscious motivation, to resolve emotional,  
21 relationship, and attitudinal conflicts, and to modify  
22 behaviors that interfere with effective emotional, social,  
23 adaptive, and intellectual functioning.

24 "Licensed professional counselor" and "professional  
25 counselor" means a person who holds a license authorizing the  
26 practice of professional counseling as defined in this Act.

1 "Licensed clinical professional counselor" and "clinical  
2 professional counselor" means a person who holds a license  
3 authorizing the independent practice of clinical professional  
4 counseling in private practice as defined in this Act.

5 "Independent private practice of clinical professional  
6 counseling" means the application of clinical professional  
7 counseling knowledge and skills by a licensed clinical  
8 professional counselor who regulates and is responsible for  
9 her or his own practice or treatment procedures.

10 "Clinical supervision" or "supervision" means the  
11 experience is under the order, control, and full professional  
12 responsibility of a supervisor who reviews ~~review of~~ aspects  
13 of counseling and case management in a face-to-face meeting  
14 with the person under supervision. "Face-to-face" means the  
15 session is live, interactive, and visual. Video is considered  
16 face-to-face if the session is synchronous and involves verbal  
17 and visual interaction during supervision.

18 "Qualified supervisor" or "qualified clinical supervisor"  
19 means any person who is a licensed clinical professional  
20 counselor, licensed clinical social worker, licensed clinical  
21 psychologist, psychiatrist as defined in Section 1-121 of the  
22 Mental Health and Developmental Disabilities Code, or other  
23 supervisor as defined by rule. A qualified supervisor may be  
24 provided at the applicant's place of work, or may be hired by  
25 the applicant to provide supervision.

26 ~~"License" means that which is required to practice~~

1 ~~professional counseling or clinical professional counseling as~~  
2 ~~defined in this Act.~~

3 "Secretary" means the Secretary of Financial and  
4 Professional Regulation.

5 "Volunteer" means a person performing services without  
6 compensation for a nonprofit organization, a nonprofit  
7 corporation, a hospital, a governmental entity, or a private  
8 business, other than reimbursement for actual expenses  
9 incurred. "Volunteer" includes a person serving as a director,  
10 officer, trustee, or direct service volunteer.

11 (Source: P.A. 97-706, eff. 6-25-12.)

12 (225 ILCS 107/11 new)

13 Sec. 11. Address of record; email address of record. All  
14 applicants and licensees shall:

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

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

23 (225 ILCS 107/15)

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

1           Sec. 15. Exemptions.

2           (a) This Act does not prohibit any persons legally  
3 regulated in this State by any other Act from engaging in the  
4 practice for which they are authorized as long as they do not  
5 represent themselves by the title of "professional counselor",  
6 "licensed professional counselor", "clinical professional  
7 counselor", or "licensed clinical professional counselor".  
8 This Act does not prohibit the practice of nonregulated  
9 professions whose practitioners are engaged in the delivery of  
10 human services as long as these practitioners do not represent  
11 themselves as or use the title of "professional counselor",  
12 "licensed professional counselor", "clinical professional  
13 counselor", or "licensed clinical professional counselor".

14           (b) Nothing in this Act shall be construed to limit the  
15 activities and services of a student, intern, or resident in  
16 professional counseling or clinical professional counseling  
17 seeking to fulfill educational requirements in order to  
18 qualify for a license under this Act if (i) these activities  
19 and services constitute a part of the student's supervised  
20 course of study, (ii) the activities and services are not  
21 conducted in an independent practice, as defined in this Act,  
22 (iii) the activities and services are supervised as specified  
23 in this Act, and (iv) the student, intern, or resident is  
24 designated by a title "intern" or "resident" or other  
25 designation of trainee status. Nothing contained in this  
26 Section shall be construed to permit students, interns, or

1 residents to offer their services as professional counselors  
2 or clinical professional counselors to any other person, other  
3 than as specifically excepted in this Section, unless they  
4 have been licensed under this Act.

5 (b-5) Nothing in this Act shall be construed to limit the  
6 activities and services of individuals seeking to fulfill  
7 post-degree experience requirements in order to qualify for  
8 licensing as a clinical professional counselor under this Act,  
9 so long as the individual is not engaged in the independent  
10 private practice of clinical professional counseling as  
11 defined in this Act, and is in compliance with all applicable  
12 regulations regarding supervision including, but not limited  
13 to, the requirement that the supervised experience must be  
14 under the order, control, and full professional responsibility  
15 of their supervisor. The Department may, by rule, adopt  
16 further limitations on individuals practicing under this  
17 subsection.

18 (c) Corporations, partnerships, and associations may  
19 employ practicum students, interns, or post-degree candidates  
20 seeking to fulfill educational requirements or the  
21 professional experience requirements needed to qualify for a  
22 license under this Act if their activities and services  
23 constitute a part of the student's supervised course of study  
24 or post-degree professional experience requirements. Nothing  
25 in this paragraph shall prohibit a corporation, partnership,  
26 or association from contracting with a licensed health care



1 professional to provide services that they are licensed to  
2 provide.

3 (d) Nothing in this Act shall prevent the employment, by a  
4 professional counselor or clinical professional counselor,  
5 person, association, partnership, or a corporation furnishing  
6 professional counseling or clinical professional counseling  
7 services for remuneration, of persons not licensed as  
8 professional counselors or clinical professional counselors  
9 under this Act to perform services in various capacities as  
10 needed if these persons are not in any manner held out to the  
11 public or do not hold themselves out to the public by any title  
12 or designation stating or implying that they are professional  
13 counselors or clinical professional counselors.

14 (e) Nothing in this Act shall be construed to limit the  
15 services of a person, not licensed under the provisions of  
16 this Act, in the employ of a federal, State, county, or  
17 municipal agency or other political subdivision or  
18 not-for-profit corporation providing human services if (1) the  
19 services are a part of the duties in his or her salaried  
20 position, (2) the services are performed solely on behalf of  
21 his or her employer, and (3) that person does not in any manner  
22 represent himself or herself as or use the title of  
23 "professional counselor", "licensed professional counselor",  
24 "clinical professional counselor", or "licensed clinical  
25 professional counselor".

26 (f) Duly recognized members of any religious organization

1 shall not be restricted from functioning in their ministerial  
2 capacity provided they do not represent themselves as being  
3 professional counselors or clinical professional counselors,  
4 or as providing "professional counseling" or "clinical  
5 professional counseling". This Act shall not apply or be  
6 construed so as to apply to the employees or agents of a church  
7 or religious organization or an organization owned,  
8 controlled, or affiliated with a church or religious  
9 organization, unless the church, religious organization, or  
10 owned, controlled, or affiliated organization designates or  
11 holds these employees or agents out to the public as  
12 professional counselors or clinical professional counselors or  
13 holds out their services as being "professional counseling" or  
14 "clinical professional counseling".

15 (g) Nothing in this Act shall prohibit individuals not  
16 licensed under the provisions of this Act who work in  
17 self-help groups or programs or not-for-profit organizations  
18 from providing services in those groups, programs, or  
19 organizations, as long as those persons are not in any manner  
20 held out to the public as practicing professional counseling  
21 or clinical professional counseling, or do not hold themselves  
22 out to the public by any title or designation stating or  
23 implying that they are professional counselors or clinical  
24 professional counselors.

25 (h) Nothing in this Act shall be construed to limit the  
26 activities and use of the official title of "professional

1 counselor" or "clinical professional counselor" on the part of  
2 a person not licensed under this Act who is an academic  
3 employee of a duly chartered institution of higher education  
4 and who holds educational and professional qualifications  
5 equivalent to those required for licensing under this Act,  
6 insofar as such activities are performed in the person's role  
7 as an academic employee, or insofar as such person engages in  
8 public speaking with or without remuneration.

9 (i) Nothing in this Act shall be construed to require  
10 licensure under this Act or limit the services of a school  
11 counselor licensed ~~certified~~ by the Illinois State Board of  
12 Education ~~State Teacher Certification Board~~ and employed as  
13 authorized by Section 10-22-24a or any other provision of the  
14 School Code as long as that person is not in any manner held  
15 out to the public as a "professional counselor" or "clinical  
16 professional counselor" or does not hold out his or her  
17 services as being "professional counseling" or "clinical  
18 professional counseling".

19 (j) Nothing in this Act shall be construed to require any  
20 hospital, clinic, home health agency, hospice, or other entity  
21 that provides health care to employ or to contract with a  
22 person licensed under this Act to provide professional  
23 counseling or clinical professional counseling services. These  
24 persons may not hold themselves out or represent themselves to  
25 the public as being licensed under this Act.

26 (k) Nothing in this Act shall be construed to require

1 licensure under this Act or limit the services of a person  
2 employed by a private elementary or secondary school who  
3 provides counseling within the scope of his or her employment  
4 as long as that person is not in any manner held out to the  
5 public as a "professional counselor" or "clinical professional  
6 counselor" or does not hold out his or her services as being  
7 "professional counseling" or "clinical professional  
8 counseling".

9 (l) Nothing in this Act shall be construed to require  
10 licensure under this Act or limit the services of a rape crisis  
11 counselor who is an employee or volunteer of a rape crisis  
12 organization as defined in Section 8-802.1 of the Code of  
13 Civil Procedure as long as that person is not in any manner  
14 held out to the public as a "professional counselor" or  
15 "clinical professional counselor" or does not hold out his or  
16 her services as being "professional counseling" or "clinical  
17 professional counseling".

18 (m) Nothing in this Act shall be construed to prevent any  
19 licensed social worker, licensed clinical social worker, or  
20 licensed clinical psychologist from practicing professional  
21 counseling as long as that person is not in any manner held out  
22 to the public as a "professional counselor" or "clinical  
23 professional counselor" or does not hold out his or her  
24 services as being "professional counseling" or "clinical  
25 professional counseling".

26 (n) Nothing in this Act shall be construed to limit the

1 activities and use of the official title of "professional  
2 counselor" or "clinical professional counselor" on the part of  
3 a person not licensed under this Act who is a physician  
4 licensed to practice medicine in all of its branches under the  
5 Medical Practice Act of 1987.

6 (o) Nothing in this Act shall be construed to require  
7 licensure under this Act or limit the services of a domestic  
8 violence counselor who is an employee or volunteer of a  
9 domestic violence program as defined in Section 227 of the  
10 Illinois Domestic Violence Act of 1986.

11 (Source: P.A. 97-706, eff. 6-25-12.)

12 (225 ILCS 107/18)

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

14 Sec. 18. Provision of clinical services by licensed  
15 professional counselors; scope of practice.

16 (a) Licensed professional counselors may not engage in the  
17 independent practice of clinical professional counseling  
18 without a clinical professional counselor license.

19 (b) In an independent private practice, a licensed  
20 professional counselor must practice at all times under the  
21 order, control, and full professional responsibility of a  
22 licensed clinical professional counselor, a licensed clinical  
23 social worker, a licensed clinical psychologist, or a  
24 psychiatrist as defined in Section 1-121 of the Mental Health  
25 and Developmental Disabilities Code.

1 (c) When providing clinical professional counseling as set  
2 forth in this Act, a licensed professional counselor may not  
3 represent himself or herself as a sole or independent  
4 practitioner and may not use the title "clinical professional  
5 counselor" or "licensed clinical professional counselor". A  
6 licensed professional counselor providing clinical  
7 professional counseling shall always operate and represent  
8 himself or herself as providing services through or as a part  
9 of a group practice or through a clinical supervisor's  
10 practice, and the licensed professional counselor shall have  
11 no ownership interest in either type of practice. Licensed  
12 professional counselors providing clinical services shall  
13 provide the name and contact information of the licensed  
14 professional counselor's supervisor to all clients.

15 (d) (Blank). ~~Nothing in this Act shall be construed to~~  
16 ~~limit licensed professional counselors from owning or engaging~~  
17 ~~in sole or other type of practice or from using the title~~  
18 ~~"licensed professional counselor" or "professional counselor"~~  
19 ~~when providing social services that do not fall within the~~  
20 ~~definition of professional counseling or clinical professional~~  
21 ~~counseling as set forth in this Act.~~

22 (e) The Department may adopt rules necessary to implement  
23 this Section.

24 (Source: P.A. 97-706, eff. 6-25-12.)

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

2 Sec. 20. Restrictions and limitations.

3 (a) No person shall, without a valid license as a  
4 professional counselor issued by the Department: (i) in any  
5 manner hold himself or herself out to the public as a  
6 professional counselor under this Act; (ii) attach the title  
7 "professional counselor", ~~or~~ "licensed professional  
8 counselor", or use the credential "L.P.C."; or (iii) offer to  
9 render or render to individuals, corporations, or the public  
10 professional counseling services.

11 (b) No person shall, without a valid license as a clinical  
12 professional counselor issued by the Department: (i) in any  
13 manner hold himself or herself out to the public as a clinical  
14 professional counselor or licensed clinical professional  
15 counselor under this Act; (ii) attach the title "clinical  
16 professional counselor", ~~or~~ "licensed clinical professional  
17 counselor", or use the credential "L.P.C."; or (iii) offer to  
18 render to individuals, corporations, or the public clinical  
19 professional counseling services.

20 (c) (Blank).

21 (d) No association, limited liability company,  
22 professional limited liability company, or partnership shall  
23 provide, attempt to provide, or offer to provide clinical  
24 professional counseling or professional counseling services  
25 unless every member, partner, and employee of the association,  
26 limited liability company, professional limited liability

1 company, or partnership who practices professional counseling  
2 or clinical professional counseling or who renders  
3 professional counseling or clinical professional counseling  
4 services holds a currently valid license issued under this  
5 Act. No business shall provide, attempt to provide, or offer  
6 to provide professional counseling or clinical professional  
7 counseling services unless it is organized under the  
8 Professional Service Corporation Act or Professional Limited  
9 Liability Company Act.

10 (d-5) Nothing in this Act shall preclude individuals  
11 licensed under this Act from practicing directly or indirectly  
12 for a physician licensed to practice medicine in all its  
13 branches under the Medical Practice Act of 1987 or for any  
14 legal entity as provided under subsection (c) of Section 22.2  
15 of the Medical Practice Act of 1987.

16 (e) Nothing in this Act shall be construed as permitting  
17 persons licensed as professional counselors or clinical  
18 professional counselors to engage in any manner in the  
19 practice of medicine in all its branches as defined by law in  
20 this State.

21 (f) When, in the course of providing professional  
22 counseling or clinical professional counseling services to any  
23 person, a professional counselor or clinical professional  
24 counselor licensed under this Act finds indication of a  
25 disease or condition that in his or her professional judgment  
26 requires professional service outside the scope of practice as



1 defined in this Act, he or she shall refer that person to a  
2 physician licensed to practice medicine in all of its branches  
3 or another appropriate health care practitioner.

4 (Source: P.A. 99-227, eff. 8-3-15.)

5 (225 ILCS 107/25)

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

7 Sec. 25. Powers and duties of the Department. Subject to  
8 the provisions of this Act, the Department may:

9 (a) Authorize examinations to ascertain the qualifications  
10 and fitness of applicants for licensing as professional  
11 counselors or clinical professional counselors and pass upon  
12 the qualifications of applicants for licensure by endorsement.

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

18 (c) Formulate rules and regulations required for the  
19 administration of this Act.

20 (d) (Blank). ~~Maintain rosters of the names and addresses~~  
21 ~~of all licensees, and all persons whose licenses have been~~  
22 ~~suspended, revoked, or denied renewal for cause within the~~  
23 ~~previous calendar year. These rosters shall be available upon~~  
24 ~~written request and payment of the required fee.~~

25 (e) Establish rules for determining approved graduate

1 professional counseling, clinical professional counseling,  
2 psychology, rehabilitation counseling and similar programs.

3 (Source: P.A. 97-706, eff. 6-25-12.)

4 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

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

6 Sec. 30. Professional Counselor Licensing and Disciplinary  
7 Board.

8 (a) The Secretary shall appoint a Board which shall serve  
9 in an advisory capacity to the Secretary. The Board shall  
10 consist of 7 persons, one ~~2~~ of whom is ~~are~~ licensed solely as a  
11 professional counselor ~~counselors~~, 4 ~~3~~ of whom are licensed  
12 solely as clinical professional counselors, one full-time  
13 faculty member of an accredited college or university that is  
14 engaged in training professional counselors or clinical  
15 professional counselors who possesses the qualifications  
16 substantially equivalent to the education and experience  
17 requirements for a professional counselor or clinical  
18 professional counselor, and one member of the public ~~who is~~  
19 ~~not a licensed health care provider~~. In appointing members of  
20 the Board, the Secretary shall give due consideration to the  
21 adequate representation of the various fields of counseling.  
22 In appointing members of the Board, the Secretary shall give  
23 due consideration to recommendations by members of the  
24 professions of professional counseling and clinical  
25 professional counseling, the Statewide organizations

1 representing the interests of professional counselors and  
2 clinical professional counselors, organizations representing  
3 the interests of academic programs, rehabilitation counseling  
4 programs, and approved counseling programs in the State of  
5 Illinois.

6 (b) Members shall be appointed for and shall serve 4 year  
7 terms and until their successors are appointed and qualified.  
8 No member of the Board shall serve more than 2 full consecutive  
9 terms. Any appointment to fill a vacancy shall be for the  
10 unexpired portion of the term.

11 (c) The membership of the Board should reasonably reflect  
12 representation from different geographic areas of Illinois.

13 (d) (Blank).

14 (e) The Secretary shall have the authority to remove or  
15 suspend any member for cause at any time prior to the  
16 expiration of his or her term. The Secretary shall be the sole  
17 arbiter of cause.

18 (f) The Board shall annually elect one of its members as  
19 chairperson.

20 (g) The members of the Board shall be reimbursed for all  
21 legitimate, necessary, and authorized expenses incurred in  
22 attending the meetings of the Board.

23 (h) The Board may make recommendations on matters relating  
24 to approving graduate counseling, rehabilitation counseling,  
25 psychology, and related programs.

26 (i) The Board may make recommendations on matters relating

1 to continuing education including the number of hours  
2 necessary for license renewal, waivers for those unable to  
3 meet such requirements, and acceptable course content. These  
4 recommendations shall not impose an undue burden on the  
5 Department or an unreasonable restriction on those seeking  
6 license renewal.

7 (j) The Secretary shall give due consideration to all  
8 recommendations of the Board.

9 (k) Four members of the Board shall constitute a quorum. A  
10 quorum is required for all Board decisions.

11 (l) Members of the Board shall have no criminal, civil, or  
12 professional liability in an action based upon a disciplinary  
13 proceeding or other activity performed in good faith as a  
14 member of the Board, except for willful or wanton misconduct.

15 (Source: P.A. 100-201, eff. 8-18-17.)

16 (225 ILCS 107/45)

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

18 Sec. 45. Qualifications for a license.

19 (a) Professional counselor. A person is qualified to be  
20 licensed as a licensed professional counselor, and the  
21 Department shall issue a license authorizing the practice of  
22 professional counseling to an applicant who:

23 (1) has applied in writing on the prescribed form and  
24 has paid the required fee;

25 (2) is at least 21 years of age and has not engaged in

1           conduct or activities which would constitute grounds for  
2           discipline under this Act;

3           (3) is a graduate of: ~~(A)~~ a master's or doctoral level  
4           program in the field of counseling, rehabilitation  
5           counseling, psychology, or similar degree program approved  
6           by the Department; ~~or~~

7           ~~(B) in the case of an applicant who applied for~~  
8           ~~licensure before the effective date of this amendatory~~  
9           ~~Act of the 96th General Assembly, an approved~~  
10          ~~baccalaureate program in human services or similar~~  
11          ~~degree program approved by the Department and can~~  
12          ~~document the equivalent of 5 years of full-time~~  
13          ~~satisfactory supervised experience, as established by~~  
14          ~~rule, under a qualified supervisor;~~

15          (4) has passed an examination for the practice of  
16          professional counseling as authorized by the Department;  
17          and

18          (5) has paid the fees required by this Act.

19          Any person who has received certification by any State or  
20          national organization whose standards are accepted by the  
21          Department as being substantially similar to the standards in  
22          this Act may apply for a professional counselor license and  
23          need not be examined further.

24          (b) Clinical professional counselor. A person is qualified  
25          to be licensed as a clinical professional counselor, and the  
26          Department shall issue a license authorizing the practice of

1 clinical professional counseling to an applicant who:

2 (1) has applied in writing on the prescribed form and  
3 has paid the required fee;

4 (2) is at least 21 years of age ~~and has not engaged in~~  
5 ~~conduct or activities which would constitute grounds for~~  
6 ~~discipline under this Act;~~

7 (3) is a graduate of:

8 (A) a master's level program in the field of  
9 counseling, rehabilitation counseling, psychology, or  
10 similar degree program approved by the Department and  
11 has completed the equivalent of 2 years full-time  
12 satisfactory supervised employment or experience  
13 working as a clinical counselor under the direction of  
14 a qualified supervisor subsequent to the degree; or

15 (B) a doctoral program in the field of counseling,  
16 rehabilitation counseling, psychology, or similar  
17 program approved by the Department and has completed  
18 the equivalent of 2 years full-time satisfactory  
19 supervised employment or experience working as a  
20 clinical counselor under the direction of a qualified  
21 supervisor, at least one year of which is subsequent  
22 to the degree;

23 (4) has passed the examination for the practice of  
24 clinical professional counseling as authorized by the  
25 Department; and

26 (5) has paid the fees required by this Act.

1 Any person who has received certification or licensure by  
2 any State or national organization whose standards are  
3 accepted by the Department as being substantially similar to  
4 the standards in this Act may apply for a clinical  
5 professional counselor license, and need not be examined  
6 further.

7 (c) Examination for applicants under this Act shall be  
8 held at the discretion of the Department from time to time but  
9 not less than once each year. The examination used shall be  
10 authorized by the Department.

11 (d) Upon application and payment of the required fee, an  
12 applicant who has an active license as a clinical psychologist  
13 or a clinical social worker licensed under the laws of this  
14 State may, without examination, be granted registration as a  
15 licensed clinical professional counselor by the Department.

16 (Source: P.A. 96-1139, eff. 7-21-10; 97-706, eff. 6-25-12.)

17 (225 ILCS 107/50)

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

19 Sec. 50. Licenses; renewal; restoration; person in  
20 military service; inactive status.

21 (a) The expiration date and renewal period for each  
22 license issued under this Act shall be set by rule. As a  
23 condition for renewal of a license, the licensee shall be  
24 required to complete continuing education in accordance with  
25 rules established by the Department and pay the current

1 renewal fee.

2 (b) Any person who has permitted a license to expire or who  
3 has a license on inactive status may have it restored by  
4 submitting an application to the Department and filing proof  
5 of fitness acceptable to the Department, to have the license  
6 restored, including, if appropriate, evidence which is  
7 satisfactory to the Department certifying the active practice  
8 of professional counseling or clinical professional counseling  
9 in another jurisdiction and by paying the required fee.

10 (c) If the person has not maintained an active practice in  
11 another jurisdiction which is satisfactory to the Department,  
12 the Department shall determine, ~~by an evaluation program~~  
13 ~~established~~ by rule, the person's fitness to resume active  
14 status and shall establish procedures and requirements for  
15 restoration.

16 (d) However, any person whose license expired while he or  
17 she was (i) in federal service on active duty with the armed  
18 forces of the United States or the State Militia or (ii) in  
19 training or education under the supervision of the United  
20 States government prior to induction into the military service  
21 may have his or her license restored without paying any lapsed  
22 renewal fees if, within 2 years after the honorable  
23 termination of such service, training, or education, the  
24 Department is furnished with satisfactory evidence that the  
25 person has been so engaged and that such service, training, or  
26 education has been so terminated.



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

5 (f) (Blank). ~~Any person requesting restoration from~~  
6 ~~inactive status shall (i) be required to pay the current~~  
7 ~~renewal fee, (ii) meet continuing education requirements, and~~  
8 ~~(iii) be required to restore his or her license as provided in~~  
9 ~~this Act.~~

10 (Source: P.A. 97-706, eff. 6-25-12.)

11 (225 ILCS 107/80)

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

13 Sec. 80. Grounds for discipline.

14 (a) The Department may refuse to issue, renew, or may  
15 revoke, suspend, place on probation, reprimand, or take other  
16 disciplinary or non-disciplinary action as the Department  
17 deems appropriate, including the issuance of fines not to  
18 exceed \$10,000 for each violation, with regard to any license  
19 for any one or more of the following:

20 (1) Material misstatement in furnishing information to  
21 the Department or to any other State agency.

22 (2) Violations or negligent or intentional disregard  
23 of this Act or rules adopted under this Act.

24 (3) Conviction by plea of guilty or nolo contendere,  
25 finding of guilt, jury verdict, or entry of judgment or by

1 sentencing of any crime, including, but not limited to,  
2 convictions, preceding sentences of supervision,  
3 conditional discharge, or first offender probation, under  
4 the laws of any jurisdiction of the United States: (i)  
5 that is a felony or (ii) that is a misdemeanor, an  
6 essential element of which is dishonesty, or that is  
7 directly related to the practice of the profession.

8 (4) Fraud or any misrepresentation in applying for or  
9 procuring a license under this Act or in connection with  
10 applying for renewal of a license under this Act.

11 (5) Professional incompetence or gross negligence in  
12 the rendering of professional counseling or clinical  
13 professional counseling services.

14 (6) Malpractice.

15 (7) Aiding or assisting another person in violating  
16 any provision of this Act or any rules.

17 (8) Failing to provide information within 60 days in  
18 response to a written request made by the Department.

19 (9) Engaging in dishonorable, unethical, or  
20 unprofessional conduct of a character likely to deceive,  
21 defraud, or harm the public and violating the rules of  
22 professional conduct adopted by the Department.

23 (10) Habitual or excessive use or abuse of drugs as  
24 defined in law as controlled substances, alcohol, or any  
25 other substance which results in inability to practice  
26 with reasonable skill, judgment, or safety.

1           (11) Discipline by another jurisdiction, the District  
2 of Columbia, territory, county, or governmental agency, if  
3 at least one of the grounds for the discipline is the same  
4 or substantially equivalent to those set forth in this  
5 Section.

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

21           (13) A finding by the Board that the licensee, after  
22 having the license placed on probationary status, has  
23 violated the terms of probation.

24           (14) Abandonment of a client.

25           (15) Willfully filing false reports relating to a  
26 licensee's practice, including but not limited to false

1 records filed with federal or State agencies or  
2 departments.

3 (16) Willfully failing to report an instance of  
4 suspected child abuse or neglect as required by the Abused  
5 and Neglected Child Reporting Act and in matters  
6 pertaining to suspected abuse, neglect, financial  
7 exploitation, or self-neglect of adults with disabilities  
8 and older adults as set forth in the Adult Protective  
9 Services Act.

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

17 (18) Physical or mental illness or disability,  
18 including, but not limited to, deterioration through the  
19 aging process or loss of abilities and skills which  
20 results in the inability to practice the profession with  
21 reasonable judgment, skill, or safety.

22 (19) Solicitation of professional services by using  
23 false or misleading advertising.

24 (20) Allowing one's license under this Act to be used  
25 by an unlicensed person in violation of this Act.

26 (21) A finding that licensure has been applied for or

1           obtained by fraudulent means.

2           (22) Practicing under a false or, except as provided  
3           by law, an assumed name.

4           (23) Gross and willful overcharging for professional  
5           services including filing statements for collection of  
6           fees or monies for which services are not rendered.

7           (24) Rendering professional counseling or clinical  
8           professional counseling services without a license or  
9           practicing outside the scope of a license.

10          (25) Clinical supervisors failing to adequately and  
11          responsibly monitor supervisees.

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

15          (b) (Blank).

16          (b-5) The Department may refuse to issue or may suspend  
17          without hearing, as provided for in the Code of Civil  
18          Procedure, the license of any person who fails to file a  
19          return, pay the tax, penalty, or interest shown in a filed  
20          return, or pay any final assessment of the tax, penalty, or  
21          interest as required by any tax Act administered by the  
22          Illinois Department of Revenue, until such time as the  
23          requirements of any such tax Act are satisfied in accordance  
24          with subsection (g) of Section 2105-15 of the Department of  
25          Professional Regulation Law of the Civil Administrative Code  
26          of Illinois.

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

13           (c) The determination by a court that a licensee is  
14 subject to involuntary admission or judicial admission as  
15 provided in the Mental Health and Developmental Disabilities  
16 Code will result in an automatic suspension of his or her  
17 license. The suspension will end upon a finding by a court that  
18 the licensee is no longer subject to involuntary admission or  
19 judicial admission, the issuance of an order so finding and  
20 discharging the patient, and the recommendation of the Board  
21 to the Secretary that the licensee be allowed to resume  
22 professional practice.

23           (c-5) In enforcing this Act, the Department, upon a  
24 showing of a possible violation, may compel an individual  
25 licensed to practice under this Act, or who has applied for  
26 licensure under this Act, to submit to a mental or physical

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

16 All substance-related violations shall mandate an  
17 automatic substance abuse assessment. Failure to submit to an  
18 assessment by a licensed physician who is certified as an  
19 addictionist or an advanced practice registered nurse with  
20 specialty certification in addictions may be grounds for an  
21 automatic suspension.

22 If the Department finds an individual unable to practice  
23 or unfit for duty because of the reasons set forth in this  
24 subsection (c-5), the Department may require that individual  
25 to submit to a substance abuse evaluation or treatment by  
26 individuals or programs approved or designated by the

1 Department, as a condition, term, or restriction for  
2 continued, restored, or renewed licensure to practice; or, in  
3 lieu of evaluation or treatment, the Department may file, or  
4 the Board may recommend to the Department to file, a complaint  
5 to immediately suspend, revoke, or otherwise discipline the  
6 license of the individual. An individual whose license was  
7 granted, continued, restored, renewed, disciplined, or  
8 supervised subject to such terms, conditions, or restrictions,  
9 and who fails to comply with such terms, conditions, or  
10 restrictions, shall be referred to the Secretary for a  
11 determination as to whether the individual shall have his or  
12 her license suspended immediately, pending a hearing by the  
13 Department.

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



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

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

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

21 (d) (Blank).

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

23 (225 ILCS 107/90)

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

25 Sec. 90. Investigations; notice and hearing.

1       (a) The Department may investigate the actions of any  
2 applicant or any person holding or claiming to hold a license.

3       (b) The Department shall, before refusing to issue or  
4 renew a license or disciplining a licensee under Section 80 of  
5 this Act, at least 30 days prior to the date set for the  
6 hearing, (i) notify the accused, in writing, of any charges  
7 made and the time and place for the hearing on the charges,  
8 (ii) direct him or her to file a written answer to the charges  
9 with the Board under oath within 20 days after the service of  
10 the notice, and (iii) inform the applicant or licensee that  
11 failure to file an answer shall result in default being taken  
12 against the applicant or licensee. At the time and place fixed  
13 in the notice, the Department shall proceed to hear the  
14 charges, and the parties or their counsel shall be accorded  
15 ample opportunity to present any pertinent statements,  
16 testimony, evidence, and arguments. The Department may  
17 continue the hearing from time to time. In case the person,  
18 after receiving the notice, fails to answer, his or her  
19 license, may, in the discretion of the Department, be revoked,  
20 suspended, placed on probationary status, or the Department  
21 may take whatever disciplinary action considered proper,  
22 including limiting the scope, nature, or extent of the  
23 person's practice or the imposition of a fine, without a  
24 hearing, if the act or acts charged constitute sufficient  
25 grounds for that action under the Act. The written notice and  
26 any notice in the subsequent proceeding may be served by

1 ~~registered or certified~~ mail or email to the licensee's  
2 address of record.

3 (Source: P.A. 97-706, eff. 6-25-12.)

4 (225 ILCS 107/100)

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

6 Sec. 100. Subpoenas; oaths.

7 (a) The Department has the power to subpoena and bring  
8 before it any person to take the oral or written testimony or  
9 compel the production of any books, papers, records, or any  
10 other documents that the Secretary or his or her designee  
11 deems relevant or material to any investigation or hearing  
12 conducted by the Department, with the same fees and mileage  
13 and in the same manner as prescribed in civil cases in the  
14 courts of this State.

15 (b) The Secretary, the designated hearing officer, any  
16 member of the Board, or a certified shorthand court reporter  
17 may administer oaths at any hearing which the Department  
18 conducts, and any other oaths authorized in any Act  
19 administered by the Department. Notwithstanding any other  
20 statute or Department rules to the contrary, all requests for  
21 testimony, production of documents, or records shall be in  
22 accordance with this Act.

23 (Source: P.A. 97-706, eff. 6-25-12.)

24 (225 ILCS 107/110)

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

2 Sec. 110. Findings and recommendations.

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

11 (b) The report of findings of fact, conclusions of law,  
12 and recommendation of the Board shall be the basis for the  
13 Department's order for refusing to issue, restore, or renew a  
14 license, or otherwise discipline a licensee. If the Secretary  
15 disagrees with the recommendations of the Board, the Secretary  
16 may issue an order in contravention of the Board  
17 recommendations. The finding is not admissible in evidence  
18 against the person in a criminal prosecution brought for the  
19 violation of this Act, but the hearing and findings are not a  
20 bar to a criminal prosecution brought for the violation of  
21 this Act.

22 (Source: P.A. 97-706, eff. 6-25-12.)

23 (225 ILCS 107/130)

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

25 Sec. 130. Order or certified copy; prima facie proof. An

1 order or certified copy thereof, over the seal of the  
2 Department and purporting to be signed by the Secretary, is  
3 prima facie proof that:

4 (a) the signature is the genuine signature of the  
5 Secretary; ~~and~~

6 (b) the Secretary is duly appointed and qualified; ~~and-~~

7 (c) the Board and the members thereof are qualified to  
8 act.

9 Such proof may be rebutted.

10 (Source: P.A. 97-706, eff. 6-25-12.)

11 (225 ILCS 107/155)

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

13 Sec. 155. Certification of record; costs. The Department  
14 shall not be required to certify any record to the court, to  
15 file an answer in court, or to otherwise appear in any court in  
16 a judicial review proceeding, unless and until the Department  
17 has received from the plaintiff payment of the costs of  
18 furnishing and certifying the record, which costs shall be  
19 determined by the Department. ~~Exhibits shall be certified~~  
20 ~~without cost.~~ Failure on the part of the plaintiff to file the  
21 receipt in court is grounds for dismissal of the action.

22 (Source: P.A. 97-706, eff. 6-25-12.)

23 (225 ILCS 107/165)

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

1           Sec. 165. Administrative Procedure Act; application. The  
2 Illinois Administrative Procedure Act is hereby expressly  
3 adopted and incorporated in this Act as if all of the  
4 provisions of such Act were included in this Act, except that  
5 the provisions of subsection (d) of Section 10-65 of the  
6 Illinois Administrative Procedure Act that provides that at  
7 hearings the clinical professional counselor or professional  
8 counselor has the right to show compliance with all lawful  
9 requirements for retention, continuation, or renewal of the  
10 license is specifically excluded. For the purposes of this Act  
11 the notice required under Section 10-25 of the Illinois  
12 Administrative Procedure Act is deemed sufficient when mailed  
13 or emailed to the last known address of record of a party.  
14 (Source: P.A. 97-706, eff. 6-25-12.)

15           (225 ILCS 107/55 rep.)

16           (225 ILCS 107/125 rep.)

17           Section 15. The Professional Counselor and Clinical  
18 Professional Counselor Licensing and Practice Act is amended  
19 by repealing Sections 55 and 125.

20           Section 99. Effective date. This Section and Section 5  
21 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 107/10

6 225 ILCS 107/11 new

7 225 ILCS 107/15

8 225 ILCS 107/18

9 225 ILCS 107/20

10 225 ILCS 107/25

11 225 ILCS 107/30 from Ch. 111, par. 8451-30

12 225 ILCS 107/45

13 225 ILCS 107/50

14 225 ILCS 107/80

15 225 ILCS 107/90

16 225 ILCS 107/100

17 225 ILCS 107/110

18 225 ILCS 107/130

19 225 ILCS 107/155

20 225 ILCS 107/165

21 225 ILCS 107/55 rep.

22 225 ILCS 107/125 rep.